International Congress of Women (1915)
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A. Introduction

1 The Hague Peace Conferences (1899 and 1907) are part of the common knowledge of all public international lawyers. The fact that a third ‘unofficial’ peace conference was held in The Hague under the auspices of the International Women’s Movement in 1915 has, however, been swept into a dusty corner of history (Feminism, Approach to International Law; Pacifism). The timing of the International Congress of Women made the ongoing World War I evidently its first and foremost topic of discussion, although it was agreed in advance that the Congress would not be used as a forum to attribute responsibility for the war. The innovative aspect of this conference was that a politically powerless group used this opportunity to draft concrete proposals for a new international legal system; proposals which went far beyond issues directly related to the war. Certain contemporarily accepted foundations of international law (such as the possibility of declaring war unilaterally as an option of last resort to settle disputes) were resolutely rejected, and in general it was advocated that the scope of international law ought to be expanded so as to include and regulate a far greater number of areas.

B. The Hague Peace Conferences and World War I

2 The first International Peace Conference at The Hague was convened by Tsar Nicholas II of Russia with two objectives in mind: first, an international compromise to slow down the growing rivalry and the arms race between the European superpowers of that time; and second, the development of a new system to settle international disputes, as an alternative to diplomatic negotiations or war. This conference took place from 18 May to 29 July 1899 and was attended by representatives from 26 countries. The conference was seen as a success because participants agreed upon basic rules of international humanitarian law and the establishment of the Permanent Court of Arbitration (PCA) for the settlement of disputes between States. However, with regard to the reduction of the military budgets, in order to install a moratorium on the arms race, no agreement could be reached. In the decade that followed the first Peace Conference, a number of conflicts took place, such as the Second Boer War (Boer Oorlog) in South Africa (1899–1902) and the war between Russia and Japan (1904–1905) (History of International Law, 1815 to World War I). Hence it became clear that it was necessary to convene a second conference, in order to expand and improve the agreements reached during the first conference.

3 This second International Peace Conference took place between 15 June and 19 October 1907 with representatives of 43 countries attending. This focus of the negotiations was on the establishment of a system for the peaceful settlement of international disputes and the drafting of international rules on naval warfare. However, this conference was far from successful, apart from the signing of the Drago-Porter Convention (1907) (Convention concernant la limitation de l’emploi de la force pour le recouvrement de dettes contractuelles) which formed the predecessor of the current World Trade Organization Agreement. The reason for this failure was that participants were already expecting and anticipating the outbreak of World War I. States had divided themselves in two power blocs with the Triple Alliance (Germany, Austria-Hungary, and Italy) on the one hand and the Triple Entente (UK, France, and Russia) on the other. In short, when the conference in 1907 was convened, its participants were already preparing for war.

4 Between 28 April and 1 May 1915, over a thousand women convened at The Hague. They originated from 12 different countries, including both neutral and belligerent States, from both sides of the conflict. There were Belgian and English, Austrian and German, Swiss and American women. Their objective was not only to discuss an end to World War I, but also to draft a new international legal system which would prevent any future wars as well. Most of the conference participants had met before in the framework of the Women’s Suffrage Alliance. This association had planned a meeting in Berlin in 1915 but for obvious reasons
this meeting could not take place. Instead, it was decided to organize a conference in The Hague and to expand the focus from women’s suffrage to the whole of international law. Women from outside the suffrage movement were invited as well, for example members of pacifist movements. However, this did not imply that suddenly all women in the world united to univocally demand an end to the war. In England, for example, a split occurred within the women’s movement, with on the one hand the Pankhurst family and their followers, who argued that advocating peace was a sign of defeatism, capitulating to the enemy and undermining the morale of the troops. The French women’s movement also boycotted the conference because they refused to participate in an event where German women were also present. Women from the colonies were not invited at all. In general, the turnout for the conference can be called a success, especially as it was not common at that time that women would travel so far on their own, particularly during war-time, which posed administrative impediments in addition to physical danger. For example, 183 British women had registered for the conference but the British government was too slow in issuing travel permits so only three British women arrived in time to participate.

5 The chairwoman of the International Congress was the American peace activist and sociologist Jane Addams, who co-founded the American Civil Liberties Union (‘ACLU’) and the National Association for the Advancement of Colored People (‘NAACP’). In 1931 she won the Nobel Prize for Peace. The first vice-chairwoman was the American writer Emily Greene Balch, who was professor in economics and sociology at Wellesley College. In 1946, she received a Noble Prize for Peace for her work as well. The third and last organizer was Alice Hamilton, also an American, the first woman to be appointed professor at the medicine faculty at Harvard University.

C. Conference Resolutions: Proposals for a New International Law

1. Women and War: Actions towards Peace

6 The fundamental demand of the Congress was no less than an immediate end to World War I. Moreover, war as such was viewed as illegal under international law. This is a revolutionary point of departure: no State representatives at the 1899 or 1907 Peace Conference had excluded the legality of war entirely. It remained a recognized means of last resort when diplomatic negotiations or arbitration failed. Only after World War II was a prohibition on the use of force adopted in international law (→ Use of Force, Prohibition of), more precisely in the UN Charter of 1945—exactly 30 years after the 1915 Conference.

7 The Congress also discussed ‘women’s sufferings in war’—a concept which was deliberately not defined. From the conference records, it becomes clear what is actually referred to: the use of mass rape both as a strategy and a crime of war under international law. Evidently, it had been common knowledge for centuries that rape occurs more frequently in times of war. Partially under the influence of religion, it became seen as an immoral act but still merely an individual incident; a form of virtually unavoidable collateral damage for which at most the individual perpetrator could be held accountable. It was only through the jurisprudence of the → International Criminal Tribunal for Rwanda (ICTR) and the → International Criminal Tribunal for the Former Yugoslavia (ICTY) in the 1990s that, firstly, mass rape was recognized as it was regarded by the 1915 Conference: a conscious strategy to humiliate a people as a whole (and thus not a mere incident). Secondly, it was accepted that such a strategy forms a war crime (→ war crimes) under international law, of the same order as intentional cruelty against civilians (→ Civilian Population in Armed
Conflict) or the execution of prisoners of war—a recognition which came 80 years after the 1915 Conference.

8 To conclude this section of the Congress resolutions, participants expressed their solidarity with all war victims, regardless of their country (read: including enemy victims) and regardless of their social class or religion. Neutral and belligerent countries were called upon to make suggestions for peace in the framework of continuous mediation.

2. Principles of a Permanent Peace

9 Under the heading ‘Principles of a Permanent Peace’, the Congress outlined five principles which it considered crucial for the maintenance of a permanent peace. The first principle entailed that respect for nationality, territorial sovereignty, and self-determination had to be made mandatory under international law. Under this principle, parts of the territory of defeated countries cannot be transferred to victorious countries without the consent of their inhabitants. Also, the acquisition of territory (Territory, Acquisition) through the use of force is illegal and all peoples have a right to autonomy and a democratically elected parliament. These were very innovative ideas: for centuries, it was considered entirely legal under international law to acquire territory by means of military force. Some authors would say this approach changed with the adoption of the Kellogg-Briand Pact (1928), but most commentators regard the conclusion of the United Nations Charter in 1945 as the point in time when acquisition of territory by force was outlawed—30 years after the 1915 Conference. The Congress’ proposal on transfer of territory was discussed and rejected during the negotiations for the Versailles Peace Treaty (1919), forming the main reason why this treaty was denounced by the International Women’s Movement. Unfortunately, history proved the Congress right: the systematic transfer of German territory to the victors of World War I created resentment among the inhabitants of these territories which made them more open to populist propaganda. Furthermore, a democratically elected parliament was an equally revolutionary idea in 1915, when most States were not democracies.

10 The second principle was the mandatory peaceful settlement of inter-State disputes by means of arbitration or conciliation. This was combined with the third principle that States ought to exert social, moral, and economic pressure on States that use military force to solve disputes. These are the ideas on which the enforcement mechanism of the League of Nations and later the UN was based. The system has significant disadvantages in terms of a lack of enforcement power against powerful States, but no better solution has been developed so far. The fourth principle prescribed that foreign policy-making ought to be under democratic control. In the current age, this seems rather obvious, but again, one ought to remember that this statement was made in a time when rulers such as the German Kaiser and the Russian Tsar still wielded enormous power and largely single-handedly decided the foreign policy of their countries.

11 The fifth and final principle for a permanent peace was the enfranchisement of women (Women, Rights of, International Protection): the Congress declared that women ought to have equal political rights, not only the right to vote, but also to be elected and equally represented at all levels of government, as well as in the judiciary and academia. Seen in its historic context, this is a spectacular demand in light of the fact that in 1915 only five countries in the world gave fully equal voting rights to all women. This principle has been adopted in various international legal instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (‘CEDAW’) (adopted 18

3. International Co-operation

12 The Congress saw a need to convene a third official Peace Conference and advocated the establishment of a ‘Society of Nations’, which would consist of a permanent international court and a permanent general assembly, to defend the interests of superpowers as well as smaller States and developing nations. In addition, the Congress proposed the establishment of a separate court for economic disputes. These proposals form a quite accurate description of the current UN General Assembly, while an economic court was realized in 1995, with the creation of the World Trade Organization (WTO)—80 years after the 1915 Conference. Other proposals included free trade, free shipping, and opening up all trade routes regardless of nationality. These ideas have essentially been adopted as WTO goals. In its discussions, the Congress also dealt with the prohibition on discrimination, the reduction of all tariffs and trade barriers, and the most-favoured-nation principle (Most-Favoured-Nation Clause). Also, Congress was of the opinion that investors should settle their disputes outside the traditional system of diplomatic protection by their State. Since the 1990s, the settlement of investment disputes via arbitration outside the diplomatic protection system has indeed been the preferred route in most cases—again, 80 years after the 1915 Conference.

13 Provocatively, the Congress stipulated the need for a universal disarmament in the long run while in the short run, manufacturing and trade in weapons ought to be placed in the hands of governments only. This is the only major reform suggestion which has not been adopted in current international law: as seen by the jurisprudence of the International Court of justice (‘ICJ’), a consensus cannot even be reached on nuclear weapons alone (Nuclear Weapons Advisory Opinions). The Congress also suggested a prohibition on secret treaties (Treaties, Secret) and the establishment of national commissions for peace studies which had to contain women members. Although the necessity of secret treaties was still vigorously defended at the 1899 and 1907 Conferences, such treaties are prohibited today, albeit implicitly. Under the 1945 UN Charter and the Vienna Convention on the Law of Treaties (1969), it is impossible to rely before an international body on a treaty that has not been registered with the UN Secretariat. Also, today there are several commissions which conduct research to codify and develop international law, notably the International Law Commission (ILC) which was established in 1948. Whether these commissions contain women members is another matter—the first female ILC member was appointed in the 1990s, while the current tally stands at three women out of 34 members in total. The final proposal under this section of the Congress’ resolutions repeated that women in all countries ought to have the same civil and political rights and duties as men.

4. Education of Children

14 Finally, the Congress attached great importance to the rights of all children (Children, International Protection), in particular relating to a qualitatively high-standard mandatory education system which had to be freely accessible and, among other issues, had to instruct children on international legal values (Education, Right to, International Protection). In its historical context, this is surprising as in 1915 children were still widely used as cheap factory workers with no access to education. Over the course of the 20th century, education became generally recognized as instrumental in the prevention of hatred among peoples. Currently many treaties for the protection of children, such as the
Convention on the Rights of the Child, see education as a basic right and a requirement for peace.

D. After the Congress

15 The Congress concluded with an action plan to put their proposals into practice—first and foremost by demanding to be part of the drafting process of the peace treaty that would conclude World War I. In order to magnify the impact of their ideas, women from different countries formed envoys visiting several heads of State to discuss the proposals made at the conference. These envoys visited 14 countries (the Netherlands, UK, Germany, Austria, Hungary, Switzerland, Italy, the Holy See, Belgium, Denmark, Norway, Sweden, Russia, US), were well-received everywhere, and gained access to the highest officials (eg US President Woodrow Wilson). However, many government officials in the countries they visited remained convinced that making the first move towards negotiations would be seen as a sign of ‘weakness’ on the part of the warring country and would put them at a disadvantage when it came to settling the terms of peace (Costin 313). Finally, the Congress also prepared the establishment of an international committee, initially called the International Committee of Women for Permanent Peace but later renamed the Women’s International League for Peace and Freedom (‘WILPF’), which is still in existence today.

E. Evaluation

16 The importance of the 1915 Conference lies not in the fact that this was a women’s movement initiative—but rather that it was exceptional that such a ‘politically weak’ group would make such revolutionary proposals in the middle of the war. It was perhaps precisely because women did not have real political responsibilities that they could so drastically redraft the premises of international law. On the one hand, not all ideas underlying these resolutions were newly invented in this four-day conference. Moreover, the rhetoric in which these proposals were put forward was rather bombastic, while its authors (as can be seen from the conference records) often used a very apologetic tone, as if suggesting legal reform was improper. Furthermore, they spoke in rather patronizing terms about the people in the colonies; ‘protecting the locals’ who are not capable of governing their lands themselves. On the other hand, this conference formed one of the first occasions on which an organized body presented these kinds of proposals for the reform of the international system. The use of rhetoric was rather characteristic for that time; any form of political activity by women was frowned upon by society, and denigrating phraseology towards colonial people survived at least until the drafting of the Statute of the International Court of Justice of 1945 (Art. 38: ‘general principles of law recognized by civilized nations’; → Civilized Nations).

17 The most important difference from the 1899 and 1907 Peace Conferences was the general approach of the 1915 Conference: where the previous conferences primarily aimed at protecting States against a war which was deemed unavoidable, a much greater belief in the ‘creatability’ of a well-functioning international legal system prevailed at the 1915 Conference. There are of course arguments against attaching any relevance to the 1915 Conference. First, one could say that the Congress’ resolutions were never adopted by any State or international organization and hence did not exert any legal influence. It is quite certain that these proposals were considered when the Treaty of Versailles was drafted, but it is impossible to measure their concrete influence. However, even if these resolutions have had no direct influence at all, this does not make them irrelevant. It remains remarkable that this Congress had the enlightenment of mind to predict the development of the international legal system over the subsequent century. Secondly, one may doubt the continuing relevance of these resolutions. Most of these proposals have been realized in the course of the (latter half of the) 20th century. The 1915 Congress can be regarded as visionary, which as such deserves recognition and in turn merits attentive study of
proposals which have not yet been implemented in contemporary international law, notably those relating to disarmament and privatization of weapons’ manufacturing and trade.

Select Bibliography