

Denver Journal of International Law & Policy

Volume 10
Number 1 *Fall*

Article 13

January 1980

Human Rights and World Public Order

George W. Shepard

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

George W. Shepard, Human Rights and World Public Order, 10 Denv. J. Int'l L. & Pol'y 179 (1980)(book review).

This Book Review is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Human Rights and World Public Order

Keywords

Human Rights Law

BOOK REVIEWS

Human Rights and World Public Order

Reviewed by George W. Shepherd

Human Rights and World Public Order, subtitled *The Basic Policies of an International Law of Human Dignity*, by Myres S. McDougal, Harold D. Lasswell, and Lung-chu Chen. Yale University Press, 92A Yale Station, New Haven, Connecticut 06520 (1980). ISBN 0300023448, LC 79-18149. Pages xxiv, 1016. Preface, footnotes, appendix, table of cases, name index, subject index. \$45.00 (clothbound).

Despite the enormous amount of attention given to the gross violation of human rights, there is a broad basis of respect for an implementation of human rights throughout the world. One of the reasons we fail to perceive this greening of the globe in human rights is that our perception is too restrictive and ethnocentric.

Much of the past and contemporary literature on human rights attempts to document the way in which international law or ideology applies to certain rights and the way in which governments or international authorities fail to uphold human rights commitments. A cynical view of human rights perceives it as a definition of human freedom applicable to only a few privileged Western nations. This view disputes the possibility of making the enhancement of human rights a viable public policy goal for people other than the citizens of one's own state. It is especially regarded as dangerous and misleading for a major power like the United States to include human rights goals in its foreign policy.¹ Another inhibited view is propounded on the left by those who see the major Western powers, especially the United States, hopelessly committed to the use of human rights ideology either as an anticommunist crusade or as a legitimization instrument for its own nonsocial and individualistic perceptions of human rights.²

Both of these perceptions are narrow because they view, from different perspectives, human rights as essentially the projection of the nation-

George W. Shepherd is Professor of International Relations, Graduate School of International Studies, University of Denver.

1. Buckley, *Human Rights and Foreign Policy: A Proposal*, 58 FOREIGN AFF. 775 (1980).

2. For a discussion of this perspective, see Falk, *Comparative Protection of Human Rights, Capitalist and Socialist Third World Countries*, UNIVERSAL HUMAN RIGHTS, April-June 1979, at 3.

state or the class struggle. Professors Myres McDougal, Harold Lasswell, and Lung-chu Chen, in a major integrated work on human rights,³ succeed in going beyond the limits of the national cultural and class perceptions to a global standpoint of theory and implementation. They do this by basing human rights primarily on universal values with individuals as the direct recipients of the dignity and respect derived from these values. The state and social groups are not the origins of these values and this basic respect, but they are the instruments for the realization or the repression of human rights. The authors maintain that there is a rising demand for these rights throughout the world today. This is stimulated by the findings of modern science which add to our comprehension of the legitimacy of the increasing claims of various movements from the Renaissance to the abolition of slavery, the foundation of democratic states, the inauguration of egalitarian movements, and the recognition of demands for self-determination. These demands, human and historical in origin, are brought to bear against the state and its international dimensions in world order:

The important fact is that the people of the world, whatever their differences in cultural traditions and styles of justification, are today increasingly demanding the enhanced protection of all those basic rights, commonly characterized in empirical reference as that of human dignity, by the processes of law in all the different communities of which they are members, including especially the international or world community.⁴

The book has an enormous compass and demonstrates the growth of human rights demands in eight major value categories: "respect, power, enlightenment, well-being, wealth, skill, affection, and rectitude . . . accompanied by a detailed specification of the content of these categories in terms of particular institutional practices (as in terms of participation, perspectives, situations, bases of power, strategies, and outcomes)."⁵ This is a staggering intellectual task, particularly since it details implementation by various authoritative actors, including nongovernmental organizations, states, and international authorities. Yet all this is done convincingly and with precision.

One of the most important discussions concerns a "policy-oriented perspective," distinct from other, eschewed frameworks. The authors point out the limitations of the historical, positivist, and scientific approaches to the analysis of human rights. It is not surprising to find Professor McDougal expounding the limitations of the positivist view, which cannot define human rights by law because "the fatal weakness of the positivist approach is in its location of authority in the perspective of

3. M. McDUGAL, H. LASSWELL, & L. CHEN, *HUMAN RIGHTS AND WORLD PUBLIC ORDER* (1980).

4. *Id.* at 6.

5. *Id.* at 143.

established officials.”⁶ It is interesting to note, however, that Professor Lasswell concurred in the judgment of

exponents of the social science approach [who] characteristically underestimate the importance of deliberately postulating and clarifying human rights goals, as distinct from justifying those goals by trans-empirical postulates of faith or by outright incorporation of community preferences Obviously, the most conspicuous task is that of scientific enquiry, but lacking a comprehensive map of human rights and a realistic conception of the interrelations between law and social process, it is impossible to perform even this task adequately.⁷

One problem, however, is that the authors’ “policy-oriented approach” is not sufficiently delineated or defended. It is basically a global perspective incorporating several procedural approaches. As important as the perspective of the “whole of humankind” is, the authors do not specify how this provides a unique historical or philosophical insight lacking in other perspectives. One can agree that “[i]t is indispensable that both the scholarly inquirer and the established decision-maker achieve an observational standpoint, as free as possible from parochial interests and biases, which will enable them to ascertain and clarify for the active participants in the different communities common interests that they themselves have not been able to perceive.”⁸ This universality, however, has no better claim than the historical materialism the authors reject.

Both Marxism and the scientific approach are narrow in their claims to rights based on either a class perception or verifiable community acceptance. However, elements of these approaches might well be incorporated into the authors’ global policy orientation in a way which would give it both a greater relevancy to contemporary issues and a method of distinguishing between rhetorical proclamations about the rights of man and reality. If a concern for human rights in policy is to emerge from the shadows of academia into the central offices of policymaking in this nation-state era, it has to become something more than morality or even law. These two worthy concepts are often proclaimed by states as the basis of policy when in fact the reality of rule is the repression of human rights. The strength of *Human Rights and World Public Order* is that it is a major step in the direction of demonstrating that human rights grow and proceed in spite of government and nation-state repression. The authors provide a map showing how political and social rights are finding global expression and limited recognition. They do not, however, fully provide the intellectual equipment needed to establish priority and direction or a point by point progression to higher ground. This is the task of others.

There is, for example, a Third World perspective on human rights

6. *Id.* at 74.

7. *Id.* at 81-82.

8. *Id.* at 83.

represented by such writers as Fouad Ajami⁹ and Ali Mazrui,¹⁰ both with the Institute for World Order. Neither of these writers are Marxists but they give primary attention to the economic and social basis of the global demands of Third World peoples who believe that the right to eat is more important than the right to dissent.¹¹

While the authors are fully cognizant of the important Third World dimension to human rights, they do not give it the priority of emphasis that Ajami and Mazrui do. For example, a great deal of attention is given to racial discrimination and *apartheid*, which is very appropriate particularly since United Nations bodies and instruments have made these issues a modern priority. However, detailed attention is not given to such basic human rights as employment, social security, and health. These are rights which, from the Third World and socialist perspectives, are as fundamental as freedom from racial discrimination. There are of course Western theorists who have long maintained that such rights are of a different category because they can only be provided by the state.¹² Such rights are really privileges, it is argued, which may or may not be provided depending upon the circumstances of economic prosperity. This view is not limited to Western philosophers. A prominent Ghanaian educator who coordinated the rewriting of Ghana's Constitution, went to great pains to see to it that such social rights were not incorporated into the Constitution. He believed that the state could not always be expected to provide these costly necessities to its citizens.¹³

This is not the view of Professors McDougal, Lasswell, and Chen, who assert that the dichotomy is false and that social rights are on a par with political rights. Yet the authors fail to demonstrate fully how this is the case with reference to the worldwide movement in this direction. Although it is hard to see how they might have added to this 1,016-page volume, a second volume will be needed. Social rights have begun to be codified in the constitutions of many Third World and socialist states and, of course, in the International Covenant on Economic, Social and Cultural Rights.¹⁴ The means by which these rights can be provided, and

9. Ajami, *Human Rights and World Order Politics*, 3 ALTERNATIVES 351 (1978).

10. A. MAZRUI, *A WORLD FEDERATION OF CULTURES: AN AFRICAN PERSPECTIVE* (1976).

11. Fouad Ajami has four major priorities:

- (1) The right to survive;
- (2) The right not to be subjected to torture;
- (3) The condemnation of *apartheid*; and
- (4) The right to food.

Ajami, *supra* note 9, at 378-79.

12. See, e.g., M. CRANSTON, *HUMAN RIGHTS, REAL AND SUPPOSED* (1978); *POLITICAL THEORY OF THE RIGHTS OF MAN* (I. Raphael ed. 1967).

13. Comments of Prof. B.D.G. Fulson, Vice Chancellor of the University of Legon, Ghana, at a panel discussion on human rights in Accra, November 1979, attended by the author of this review.

14. International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 19, 1966, G.A. Res. 2200A, 21 U.N. GAOR, Supp. (No. 16) 49, U.N. Doc. A/6316 (1967) (entered into force Jan. 3, 1976).

the resulting priorities established remain controversial, but the global demand for them is unquestionable. Movement towards implementation of these rights through various political forms of world order will undoubtedly take place during the next century.

One of the most useful aspects of the empirical approach to human rights is the capability it offers for assessing progress towards realization of the demands of people throughout the world for greater human rights. The Carter Administration dramatized the way in which a major power can place human rights achievements at the center of its foreign policy goals, but this remains in the realm of rhetoric until the extent of its reality is tested by empirical analysis. This has been begun by a number of social scientists and has proven to be very useful in policy assessment.¹⁵ It has helped set aside the argument that such values cannot be meaningful in policy, and has also shown the limitations of this policy to date. The work of social scientists like Richard Claude¹⁶ and John McCamant¹⁷ has helped transform human rights from simply "doing good" into the practical realm of enhancing the national interest through advancing the rights of man.

Human Rights and World Public Order is primarily concerned about world order, and this focus is its greatest strength. Discussions of topics such as intervention are especially timely and useful. In the last analysis, the power of the state has been employed to carry out particularly gross violations of human rights, such as in South Africa and Uganda. There will likely be numerous situations in the future such as the seizure of hostages by Iran, in which the humanitarian doctrine of human rights protection expounded by the authors may be needed to comprehend the limits and possibilities of action "until there is a better world."

The book is a major landmark in that it brings social science and law back together again in the investigation of one particular subject. It is high time for resources to be combined in common substantive concern for this immense human task. This is a new era, as Professor Ved Nanda has commented,¹⁸ and the challenge to younger scholars to continue the work so ably begun by Professors McDougal, Lasswell, and Chen is unmistakable.

15. See, e.g., Part II, *Comparative Measures*, edited by James Scarritt, in *GLOBAL HUMAN RIGHTS* (V. Nanda, J. Scarritt, & G. Shepherd eds. 1981).

16. See, e.g., *COMPARATIVE HUMAN RIGHTS* (R. Claude ed. 1976).

17. See, e.g., E. DUFF & J. MCCAMANT, *VIOLENCE AND REPRESSION IN LATIN AMERICA* (1976).

18. Nanda, *Book Review—Human Rights and Public World Order*, 13 *VAND. J. TRANS-NAT'L L.* 503 (1980).

The International Law and Policy of Human Welfare

Reviewed by Ved P. Nanda

The International Law and Policy of Human Welfare, edited by Ronald St. John Macdonald, Douglas M. Johnston, and Gerald L. Morris, Sijthoff & Noordoff International Publishers, Alphen aan den Rijn, The Netherlands (1978); available in the U.S. from Sijthoff, 20020 Century Blvd., Germantown, MD 20767. ISBN 9028608087. Pages xviii, 690. \$92.50 (clothbound).

The International Law and Policy of Human Welfare,¹ a collection of twenty-five essays, is a thoughtful and probing commentary on many critical issues the world community is likely to face during the last two decades of the twentieth century. The editors, Dean Macdonald and Professors Johnston of Dalhousie and Morris of Toronto, are all distinguished Canadian international lawyers.² They and their associates from various disciplines, most of them also from Canada, present an all encompassing study of "human welfare," a concept they interpret broadly as referring to "all the psychic aspects of individual welfare, such as those normally encompassed under the international law of human rights, as well as to physical needs and aspirations now placed at the center of concern with the development of the new international order."³ Their purpose is "to provide, chiefly for the benefit of international lawyers, a conspectus on the overlapping areas of human rights, national development, social welfare, and human needs."⁴

The editors join a select group of contemporary scholars who can be singled out for their visionary approach to the role of international law and institutions in meeting individual and societal needs. Their inquiry extends beyond the widely accepted perception of traditional international law as a body of rigid rules governing relations among states and of rather limited relevance to individuals and groups. They explore, in an interdisciplinary context, major issues which are likely to be of immediate and long term concern to all those who seek solutions to global problems

Ved P. Nanda is Professor of Law and Director of the International Legal Studies Program, University of Denver College of Law.

1. THE INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE (R. Macdonald, D. Johnston and G. Morris eds. 1978) [hereinafter cited as INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE].

2. Ronald St. John Macdonald is Weldon Professor and Dean of the Faculty of Law at Dalhousie University, Douglas Johnston is Professor of Law and director of the marine and environmental programs at Dalhousie University, and Gerald Morris is Professor of Law at the University of Toronto.

3. INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE, *supra* note 1, at vi.

4. *Id.*

related to human rights and basic human needs, food and population, environment, and national development. Their search is for creative use of international law in furtherance of the twin objectives of ensuring human survival and establishing an international order under which human needs are met and human dignity is secured.

The most perceptive essay in the book is the introductory essay in part one, written by the editors and entitled *The International Law of Human Welfare: Concept, Experience, and Priorities*.⁵ The writers provide a historical perspective and draw upon various disciplines in relating the concept of welfare policies and programs in Britain, Sweden, the United States, the Soviet Union, and India, "five countries which have produced a more than usually voluminous literature on welfare theory and practices."⁶ These countries' national experiences are compared primarily to examine if and how the "welfare state" can be elevated to a "welfare world."

The authors review the last three hundred years of international law, focusing their inquiry on the "capacity of the international legal system to respond appropriately to welfare demands and aspirations in the world community."⁷ They conclude that "it is very difficult to arrive at other than pessimistic conclusions, if it is assumed that amelioration of human welfare at the international level can be effected only within the existing structure of intergovernmental agencies."⁸ Their study leads them to consider the desirability of acting outside current international organizations in order to provide effective international planning for the advancement of human welfare. Specifically, they propose "the establishment of an agency which, above all, would exist and operate entirely outside the system of the United Nations, free from all the inhibitions, complexities, and distortions which have sapped that organization's vitality in recent years."⁹ They envisage combining in this agency the best features of the presently available alternative semi-official sources: the "accredited" non-governmental organizations, the academic community, and independent research agencies.¹⁰ The funding for the proposed agency would come from public and private sources, and the agency would have technical and advisory links with established U.N. bodies. Its purposes would include "legal planning" for the world community, and it would presumably be able to draw upon a similar pool of scholars and distinguished citizens, as do other privately initiated organizations of a comparable nature, such as the Club of Rome, The World Academy of Arts and Science, the World University, and the Independent Commission on International Develop-

5. *Id.* at 3-79.

6. *Id.* at 23.

7. *Id.* at 46-47.

8. *Id.* at 63.

9. *Id.* at 64.

10. *Id.* at 64-65.

ment Issues (the Brandt Commission).¹¹

In the second essay in part one, entitled "The Elusiveness of Development and Welfare,"¹² Professor Timothy Shaw analyzes inequalities in the Third World and sets the stage for the subsequent discussion of the issues of equity and justice in international law by Professor Johnston and for the following chapters on the structure and process necessary to achieve it. Shaw describes the dilemma caused by the elusiveness of welfare and cautions that "changes in international and internal relations are inevitable; the question is whether these will be pacific or violent, ready or tardy."¹³ His basic proposition is that "the beneficiaries of any new world order will be limited both between and within states. The poverty of the resource-poor Third World states will probably be intensified by increased prices of oil and minerals, manufactures and food, unless [they are accorded] preferential treatment."¹⁴ He observes that "[u]neven development in the Third World has made general propositions and prescriptions about international human welfare hazardous."¹⁵

In Johnston's words, his essay "The Foundations of Justice in International Law"¹⁶ is an attempt "to respond to the demand by exploring the ethical basis of international law through theories of justice in moral, political and legal philosophy, and in particular by applying the concepts of retributive and distributive justice to the welfare deficient states."¹⁷ He makes a strong plea for not abandoning "entirely the traditions of natural right and positive law in the search for international justice"¹⁸ and concludes that "an integration rather than a selection of values is more likely to provide the best mix of ideas to save mankind from the ultimate failure."¹⁹ Copithorne, legal advisor to the Canadian Department of External Affairs, paints with a broad brush a view of the existing structural law of the international human welfare system at the United Nations, including the U.N. human rights laws and institutions, ECOSOC, U.N. Specialized Agencies, and UNEP.²⁰ He identifies the inadequacies of the existing institutions and mechanisms and foresees continued uncertainties about the shape of these structures "as the world community seeks to pursue human welfare on a universal scale."²¹

Eric Suy, the Legal Counsel of the United Nations, outlines some of the innovative processes of international lawmaking, such as lawmaking

11. *Id.* at 65.

12. *Id.* at 81-109.

13. *Id.* at 82. This assertion is by President Julius Nyerere of Tanzania whose views Professor Shaw endorses.

14. *Id.* at 85.

15. *Id.* at 83.

16. *See id.* at 111-46.

17. *Id.* at 111.

18. *Id.* at 134.

19. *Id.*

20. *See id.* at 147-85.

21. *Id.* at 171.

by the General Assembly and proceeding by consensus.²² He offers useful suggestions for (1) involving the sixth committee (legal committee) of the General Assembly in substantive work on all draft treaties, and (2) strengthening the work of the Codification Division of the Office of the Legal Affairs of the United Nations, for the International Law Commission and Codification Conference rely heavily on research done by the Codification Division.²³

The second part, entitled "Human Dignity," consists of seven studies on selected aspects of human rights. It opens with an essay by Dean Macdonald offering a comprehensive overview of the broad range of activities undertaken by the United Nations since its inception toward the promotion and implementation of human rights:²⁴ setting standards; performing advisory and educational services; conducting studies; and engaged in the implementation of the International Covenants on Economic, Social and Cultural Rights²⁵ and Civil and Political Rights²⁶ and the International Convention on the Suppression and Punishment of the Crime of Apartheid.²⁷ He asks the pertinent question: "What is the relevance of human rights to governments coping with energy shortages, crises of raw materials, and 'north-south' confrontations?"²⁸ Noting that "human rights are of the essence because they have to do with the type of society we are seeking to build,"²⁹ he urges practitioners of human rights to get the message across that human rights are not fringe issues but core issues by taking initiatives and seeking "to put across at major international conferences the central relevance of human rights to issues of development, disarmament, maintenance of peace and security, and environment."³⁰ The sections on integrating the implementation procedures³¹ and exploring new approaches for further promotion and encouragement of human rights,³² contain useful suggestions. For example, he endorses a review of the U.N. Charter and a restructuring of the economic and social structure of the United Nations.³³ He recommends that the "search for universality" be encouraged, existing procedures be improved, procedural propriety and elements of due process be introduced into human rights bodies which are called upon to investigate allegations of human rights violations, "a genuine partnership" be sought with the nongovernmental

22. See generally *id.* at 187-200.

23. See *id.* at 195-200.

24. *Id.* at 203-37.

25. G.A. Res. 2200A(XXI), 21 U.N. GAOR, Supp. (No. 16) 49, U.N. Doc. A/6316 (1966).

26. G.A. Res. 2200A(XXI), 21 U.N. GAOR, Supp. (No. 16) 52, U.N. Doc. A/6316 (1966).

27. G.A. Res. 3068(XXVIII), 28 U.N. GAOR, Supp. (No. 30) 75, U.N. Doc. A/9030 (1973).

28. INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE, *supra* note 1, at 231.

29. *Id.*

30. *Id.*

31. See *id.* at 215-23.

32. See *id.* at 223-31.

33. *Id.* at 231.

organizations, and better coordination be achieved between the United Nations, the specialized agencies, and regional intergovernmental organizations concerned with human rights.³⁴ This thirty-five page essay provides a most cogent and incisive account of the challenges and prospects of international human rights.

In a historical context, Professor L.C. Green discusses selected contemporary efforts to control actions of barbarism against groups and individuals, such as genocide, apartheid, war crimes, hijacking, torture, and cruel, inhuman or degrading treatment of individuals.³⁵ He points to the ineffectiveness of the United Nations machinery in controlling many of these reprehensible acts, and emphasizes that "the whole idea of 'barbarism' is highly subjective and depends upon one's ideological approach."³⁶ Drawing upon his expertise as the Canadian delegate to the recently concluded Geneva Conference on Humanitarian Law in Armed Conflicts,³⁷ he illustrates the inadequacies of the current efforts to control barbarism. Contrasting the universal efforts with a regional approach such as the one offered by the European Commission and Court of Human Rights, he suggests that "multilateral action on a more restricted scale, when the participants have somewhat similar views as to moral conduct, the rule of law, standards of civilization, and the like," show a more hopeful prospect.³⁸ He offers a sobering thought: "Those countries which believe in the possibility of real international legal control of barbarism may have to pursue simultaneously less grandiose but effective schemes confined to themselves, even though the number participating be extremely small."³⁹ Concluding on a pessimistic note, he suggests that it is perhaps time to acknowledge that we are moving into an area of two international laws: that which we have to subscribe to for the sake of universal public opinion, though we know it will never operate as law; and that more restricted collection of rules of law that we believe in and will carry out, ensuring a reduction and suppression of barbarism at least among ourselves.⁴⁰

"Migration and Resettlement under International Law"⁴¹ is the subject of John Hucker's essay. A discussion of the right of a citizen to leave and return to his or her country, constraints on states regarding expulsion and detention, and multilateral and regional laws and institutions concerned with refugees and asylum leads him to conclude that "divergent political and socioeconomic perspectives have hampered the development

34. *Id.* at 234.

35. *See id.* at 239-71.

36. *Id.* at 258.

37. For recent commentaries on the outcome of the conference, see Green, *New Law of Armed Conflict*, [1977] *CAN. YB. INT'L L.* 3; *Symposium issue on Law of War*, 9 *CASE W. RES. J. INT'L L.* 7-116, 175-424 (1977); Law of War Panel, *Directions in the Development of the Law of War*, 82 *MIL. L. REV.* 3 (Fall 1978).

38. *INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE*, *supra* note 1, at 267.

39. *Id.* at 267-68.

40. *Id.* at 268.

41. *See id.* at 327-45.

of international institutions exercising any degree of effective control over transnational population movement."⁴² While he is not optimistic about "the emergence of a system of world order which would curtail in any fundamental way the exclusive competence of states to decide who will be admitted or allowed to remain in their territory,"⁴³ he echoes Professor Green's thoughts about the prospects of success for regional systems, for he does envisage a gradual surrender of authority, primarily confined to regional groupings such as the European Economic Community "in which the members share compatible political systems, a reasonable equivalence in economic development, and a largely homogeneous ethnic and relational composition."⁴⁴ This is followed by an overview of the recent efforts toward ensuring international protection of the welfare of migrant workers by Professor John Claydon.⁴⁵ He identifies areas which demand further attention, such as, preparation for integration in the country of origin; special needs in housing, health and education; social security benefits; reunification of families; and security and duration of stay in the receiving country.⁴⁶ Other chapters in this part are concerned with education,⁴⁷ women's rights,⁴⁸ and the right to travel.⁴⁹

The opening essay in the third part, a series of seven essays on legal and economic aspects of national development and entitled, "Economic Development," is by Louis Sabourin, president of the OECD Development Center in Paris.⁵⁰ He discusses theories, methods, and prospects of international economic development, concluding that "no matter what measures the developed countries accede to, most of the responsibility lies ultimately with the countries of the Third World themselves [which] can only expect as much co-operation from the industrialized nations as they are prepared to exhibit among themselves."⁵¹ This is followed by two perceptive essays⁵² which specifically address the myriad of political, economic, and legal issues associated with the demand for a New International Economic Order (NIEO) in a historical setting.⁵³ The authors outline significant trends and discuss major problems, both perceived and real, which must be addressed before the NIEO concept could be translated into concrete actions. Each of the four other studies in this chapter

42. *Id.* at 340.

43. *Id.*

44. *Id.*

45. *See id.* at 347-71.

46. *See id.* at 362.

47. *See id.* at 273-90.

48. *See id.* at 291-325.

49. *See id.* at 373-96.

50. *See id.* at 399-424.

51. *Id.* at 421.

52. *See id.* at 425-69.

53. For two recent commentaries, see Garcia-Amador, *The Proposed New International Economic Order: A New Approach to the Law Governing Nationalization and Compensation*, 12 *LAW AM.* 1 (1980); Ferguson, *The New International Economic Order*, 1980 *U. ILL. L. FORUM* 693.

examines an important aspect of economic development—international law and foreign investment,⁵⁴ producer cartels,⁵⁵ labor and employment,⁵⁶ and the international transfer and promotion of technology.⁵⁷ Obviously, it is not easy to suggest solutions to the formidable problems the world community faces on these issues, but to the credit of these authors the studies provide a balanced appraisal of the controversial issues and suggest specific recommendations in each area.

The fourth part, comprising six essays, addresses issues in the promotion of physical welfare. The opening essay⁵⁸ is by Professor Nathan Keyfitz, a Harvard sociologist who offers a demographic perspective and concludes that based on present trends, “the majority of the population will have to wait long years, perhaps generations, until prosperity trickles down to them. They will be increasingly impatient, of course, and one must hope that their impatience will be channeled along peaceful and constructive lines.”⁵⁹ Professor Mary Ellen Caldwell examines the legal factor in the food-population equation,⁶⁰ concluding that only multi-disciplinary and multinational solutions will work.⁶¹ This is followed by essays on public health and the human environment,⁶² energy and international economic welfare,⁶³ and the 1975 U.N. Congress on the Prevention of Crime and the Treatment of Offenders.⁶⁴ The concluding essay is by Professor J.W. Samuels, an advisor to the Canadian Red Cross Society, on “Organized Responses to Natural Disasters.”⁶⁵ Based on the trends of the last sixty years he suggests that at the international level, “there must be coordination through the U.N. Disaster Relief Office and the League of Red Cross Societies. The former would be primarily responsible for direct government assistance, the latter for aid from non-governmental institutions.”⁶⁶ Essays in this part address several issues on which the United Nations has sponsored many international conferences in the recent past. Some of these essays, unlike those in parts one to three, however, offer no more than a survey of the events of the recent past without delving into major problems and appraising alternatives and discussing specific recommendations. Perhaps constraints of space were responsible, for it is not easy to discuss such wide-ranging subjects in just a hundred pages.

54. INTERNATIONAL LAW AND POLICY OF HUMAN WELFARE, *supra* note 1, at 471-500.

55. *See id.* at 501-23.

56. *See id.* at 525-48.

57. *See id.* at 549-81.

58. *Nation, City, and the World Community: A Demographic Perspective*, in *id.* at 585-600.

59. *Id.* at 600.

60. *See id.* at 601-14.

61. *See generally id.* at 610-14.

62. *See id.* at 615-38.

63. *See id.* at 639-57.

64. *See id.* at 659-74.

65. *See id.* at 675-90.

66. *Id.* at 687.

It is impossible to do justice in a short review to the wealth of material presented by the twenty-seven authors, a reason responsible for my not taking account of each contribution. I would reiterate, however, that the overall quality of the collection is remarkably high, the credit for which goes to the editors. I concur with the hope expressed by the editors that "the cumulative effect of these essays will be a contribution to the organization of the field, which might be designated as the international law and policy of human welfare."⁶⁷

67. *Id.* at vii.