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Charles Rhyne

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# WORLD PEACE THROUGH LAW

CHARLES RHYNE\*

In view of the realities of today's world, man cannot live in isolation if he expects to live in peace. The world situation must be everyone's concern; each of us must act, collectively and individually if we are to avoid the total destruction which threatens world peace.

We live in a world all of us know more about, think more about and worry more about than ever before. Age old barriers of time and distance are gone; the lives of all peoples are inextricably intertwined. For instance: international trade was affected by the United States' enactment of a 10% surcharge on imports; the outbreak of war between India and Pakistan in December, 1971 affected everyone almost immediately as has the continuation of the Middle East conflict; states and peoples will be vastly affected by China's presence in the U.N.

Since no one nation can by itself control drugs, money, environment, pollution, weather, airplane hi-jacking, poverty, hunger, disease and many other subjects of considerable concern to the world community, transnational cooperation has become, in fact, a necessity. It is obvious that the expanded European community with the admission of Britain and other countries and President Nixon's Peking and Moscow visits, will profoundly affect the world scene. Various new power blocs are envisioned by political pundits. Premier Kosygin's Canada visit, Chancellor Brandt's Russia visit, Chairman Breznev's Paris Conferences, Emperor Hirihiito's European tour, and the recent visits to the United States of President Tito and Prime Ministers MacMahon of Australia, Sato of Japan, Heath of Britain and Indira Gandhi of India are almost certain to provide impetus and direction to a vast reorganization of the way the world now operates. These new relationships between nations and peoples will reshape world politics.

Today's conflicts and developments among states demand a reorganization of world politics if we are to avoid a reversion to isolationism or recurring wars. This reorganization must result in the creation of machinery which will operate under what President Eisenhower urged as: "the rule of law rather than the rule of force". If the world continues to organize itself

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\* Mr. Rhyne received his A.B. from Duke University and his LL.B. in 1937 and D.C.L. in 1957 from George Washington. He is President of the World Peace Through Law Center, general counsel for the National Institute of Municipal Law Offices, and senior partner of Rhyne and Rhyne in Washington, D.C.

into power blocs of armed might as it has done before, minor wars and conflicts seem inevitable. History has taught us that every arms race sooner or later, by accident or design, has exploded into warfare. Arms alone cannot insure a peaceful world with order and justice; we must instead develop new means to prevent war. The fact that this system has not yet been brought into existence merely underlies the imperative necessity that it be created now. Previous failures to create this essential system does not prove that it is impossible to create the system. The realities of our day make its creation our most imperative necessity.

The means of insuring that our transformed world will be based on justice and order lies in the creation of a new understanding that if the disputes between nations cannot be prevented, they should be resolved by means other than armed conflict. Nations will not support a new security system as a replacement for arms until that system provides security with order and justice.

One system which has been tried is the U.N. Granted that the U.N. is weak; it is often ignored by the great nations; the Security Council often fails to act on international disputes or it acts too late to be meaningful. But it should be noted that although the U.N. is weak, great nations dare not ignore it. They still use its forum. They still seek public opinion advantage there. With Mainland China as a member, (particularly if all divided nations are now let in), the United Nations can grow in stature and strength. In fact China's re-entry into the common endeavors of nations can make the U.N.'s actions more meaningful if the U.N. becomes a focal point of these common endeavors.

In addition to the obvious successes achieved by the U.N. in ending the Cyprus, Congo, and Middle East fighting, some 200 international and regional organizations have been created within the U.N. framework to regulate the ever expanding relations among nations. These range from the specialized agencies such as the International Aviation Organization, ILO, WHO, WMO, etc., to broad organizations such as the EEC and the OAU. These organizations are largely responsible for the effective prescription and enforcement of international law in the past 25 years. In addition to their participation in the inter-governmental organization, nations are responsibly acting to solve their problems through discussions, conferences and negotiations. They are using international law as found in conven-

tions and treaties as their guide, thus giving agreements permanence and prestige. Illustrative of this developments are the SALT talks, the Berlin agreements, the agreement worked out between the United States and the Soviet Union, agreements to avoid collisions at sea and a host of bilateral agreements, and broader multilateral conventions banning weapons on the seabed, in space and on Antarctica as well as nuclear test ban treaties, and nuclear non-proliferation treaty.

Of growing significance in the search for a viable and effective system to ensure peaceful resolution of conflicts is the accelerated pace of non-governmental effort. The goal of this effort is to emphasize the necessity of applying the procedures and principles of the rule of law to the search for peace. For instance, in 1957, Winston Churchill challenged the American Bar Association leaders to assume a leading role in implementing the use of law for world peace. To this end a vast program was designed to so strengthen law as to make it a credible replacement for force as the basis for international security.

This program has focused on: (1) prescribing international legal rules in treaties and conventions; (2) creating new international institutions such as courts and quasijudicial agencies, and encouraging the use of existing institutions; and (3) blending the enforcement of peaceful order with justice. Enforcement can, of course, be achieved by proper international action including sanctions, a police force, or by enforcement of decisions of international tribunals in national courts as is done in the framework of the EEC.

Of special note is the World Peace Through Law Center, which was established in Athens in 1963 at a conference attended by 1000 jurists from 109 nations. Its purpose was to carry forward the program begun by the American Bar Association, and today it is the largest world organization of the legal profession with participants in 135 nations. The Center's recent Belgrade Conference was attended by 4000 lawyers and judges from 114 nations; and 60 heads of state sent messages endorsing a world ruled by law. From August 26-31, 1973, the Center will sponsor its Sixth World Conference in Abidjan, Ivory Coast which will stress the 42 African nations and their 375 million people.

The World Peace Through Law Center focuses public attention on the importance of the rule of law among nations in the international arena. No other international organization, including the U.N., duplicates this program.

The Center's program comprises broad plans and proposals to strengthen and expand transnational law by persuading nations of the value of law in international relations. The Center's activities include the drafting of new treaties and conventions as well as updating existing ones. More than one hundred international legal subjects receive constant study. Through the use of publications, five world law conferences, World Law Day, contacts and correspondence, and a growing world wide dialogue, the Center has emphasized law and its potential. The General Principles of Law Adhered To by Civilized Nations have been stated and the treaties and conventions previously adopted by nations have been collected. Model treaties and conventions are drafted by experts; lawyers have been asked to urge their governments to ratify treaties prescribing international law, such as the Hague Convention on Aircraft Hijacking.

Drafting model national laws to accompany treaties and conventions is a new activity of the Center. The Center's recently approved conventions on the environment, weather control and the seabed must be accompanied by uniform national laws to insure effectiveness. As is illustrated by the conventions on diplomatic immunity, sea use and air travel, international law works effectively when universally accepted; self interest of nations and the inevitable necessity of operating in the world community are factors which constantly expand this body of universally accepted law.

Similarly, international courts and other judicial bodies can effectively function when universally accepted, as is illustrated by the fact that all but one of the World Court judgments (*Corfu Channel Case*) have been voluntarily complied with. There has been similar compliance with more than a thousand judgments of the European Court of Justice on European Common Market disputes.

However, the Center's program does not assume that all international disputes are appropriate for world court decision. Nor does the Center espouse a world government. It is a program designed for the gradual acceptance by nations of procedures by treaties and conventions that will cover the areas of potential conflict among nations. Thus disputes could be resolved which might otherwise culminate in armed confrontation.

The greatest hindrance to the evolution of such a complete world law system is the reluctance of nations to relinquish sovereign powers. However, the United States or any other

nation does not surrender its sovereignty when it becomes party to a treaty or convention. The United States, for example, belongs to more than 4000 treaties and benefits by each treaty. Thus, becoming a party to a treaty is an exercise of a state's sovereignty, not a limitation on it.

The EEC provides a model of procedural and substantive interrelationships which makes the waging of war among its members highly unlikely. The system of law agreed to by the Common Market members forces them to go to court not war. That legal system provides intermeshed relationships which lead to the lessening of internal conflict. Traditional rivals among the European states who once went to war to resolve disputes, now submit to the expectations of their citizens that the dispute be settled peacefully, through the procedural mechanisms of the EEC.

However, we cannot eliminate our present security system provided by arms without adding constructive replacements. We must create new institutions adapted to current world needs. One suggested institution is a "Peace Panel" to which states could be urged to take disputes unresolved by existing mechanisms. A model for such an institution can be derived from the special arbitration panel created during the 1968 India-Pakistani dispute on the Ran of Kutch. Both sides accepted the arbitrators' decision, which at least temporarily halted the conflicts between these states.

If such a panel existed on a permanent basis, its use to resolve conflicts could be demanded. The U.N. or the World Peace Through Law Center could provide the vehicle for this permanent mechanism.

Throughout history, the rule of law has signified the rule of reason. The operation of a system based on the rule of law is to ensure human dignity. When the rule of law breaks down on a city, state or national level chaos, death and destruction are the results. The institutions which exist have not insulated us from our disputes and the breakdown of law. The inadequacy of bilateral agreements has taught us that we need third party institutions.

We live in a world all of us know more about, think more about, and worry more about than ever before. It is my thesis that it is a world we individually and collectively must do more about if we are to avoid atomic holocaust. That if we are to avoid such a fate each of us has a part to play.

Given the realities of today's world we cannot live in isolation if we expect to live in peace. The shape of the new world which is evolving must be everyone's concern.

According to General Sarnoff the media can flash news entirely around the world in one seventh of a second. Events anywhere quickly affect peoples everywhere. Age old barriers of time and distance, and mountains and seas are gone. The lives of all of Earth's peoples are inextricably intertwined.

For example, the outbreak of war between India and Pakistan would affect you and me almost instantly. So would a war between Israel and the Arab world. Vietnam has literally tortured our people beyond description.

Each of us will be vastly affected by China in the United Nations.

England's entry into the Common Market creates new alignments.

Seemingly every nation claims an adverse effect from the recent ten percent surcharge on imports.

The internationalization of life today both affects our domestic problems, and dictates their solutions.

Due to these facts and others of similar importance, we cannot dismantle our alliances, denounce our 4000 treaties, drop out of the arms race (or build a "Maginot Line" out of arms), abandon our status as the world's greatest international trader and traveler, forget the rest of the world and live happily ever after.

The scurrying of leaders of nations around the world is but evidence that they recognize that a vast reorganization of the world is taking place to adapt to current realities.

The most important factor is the necessity that this reorganization be one which results in machinery which will operate the world under "the rule of law rather than the rule of force". In ultimate thrust, the question is whether the new world reorganization is one which will lead to peace or war. This is indeed the ultimate question before the peoples of the world. They will get their answer in the uncertain days ahead.