

INTERNATIONALIZATION OF LAW TO MEET NEEDS OF INTERNATIONALIZATION OF LIFE

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Mobilizing millions worldwide back of a peace program to foster increased acceptance by nations of more treaties and uniform model laws, was an urgent paramount purpose evolving from the just concluded Abidjan World Conference sponsored by the World Peace Through Law Center. This "law acceptance" program will cause the law to grow to meet the vast needs of "detente" and other "wall" or "barrier" removal facts created in today's world. That law is the best concept to move in as barriers come down¹ was the consensus of the law leaders of the World who met August 26-31, 1973 in Abidjan, Ivory Coast. Also agreed was that an increased and strengthened regime of law can be developed to meet this need. This program will utilize the capacities of law leaders in the 135 nations now participating in the Center's programs as there were over 2600 registrants from 123 nations at Abidjan.

People power generated by a linking through law of the economic and social desires of people in all nations—desires which can be served only by peace—is another aim of the Center which was agreed upon at Abidjan. An aim which in turn can only be achieved by institutionalizing the World's peace structure. The only concept for such institutionalizing is found in the rule of law, the most common of all universally admired concepts of all peoples. Capturing and energizing public support back of the Center's program is to be accomplished by implementing plans and programs designed to achieve this end. One such plan

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1. That a law system can replace arms as a regulator of relations among nations, is proved conclusively by the European Common Market. So great is the strength of Common Market laws, so great are the ever growing common interests which underlie these laws, that war among the Common Market members is virtually impossible. Members who formerly went to battlefields now battle before the European Court of Justice which has decided hundreds of cases. Under the Treaty of Rome, national courts of Common Market members enforce its judgments.

was a *World Law Day* program on Religion and the Law. A pamphlet on the World's great religions and the World's great law systems was distributed to all nations seeking the help of religions in the Center's program to build peace out of law. The pamphlet called attention to common moral principles of law and religion and their common objective of peace.

That world order with justice and peace are indivisible and that each can be attained only through law was agreed as was the fact that huge gaps exist in the law of the World.

Voluntary law acceptance by nations is the only way international law grows. No World legislature exists. Since increasingly peoples of all nations have some of the same problems, this aspect of their lives can best be served by model uniform national laws. Such model laws for nations are a new and growing phenomenon of the gradual recognition that the desires and lives of peoples of all nations are more and more the same and more and more inextricably intertwined.

Nations are not self-starters on treaty or statute acceptance. They must be convinced that acceptance is in their peoples' best interests. Education of their judges and lawyers to convince nations who have accepted few treaties—a recent Center study reveals some have accepted less than 20 and others over 4000—is the method chosen by the Center to “legalize the World Community.” Through their judges and lawyers it is hoped that national leaders can be moved to acceptance of more transnational treaties.

Detente was hailed by speakers in Abidjan as providing renewed hope that the age old dream of humankind that a “warless” World could be created by a “lawful” World.

The treaties and model laws urged upon the over 100,000 judges and lawyers of 135 nations who participate in the Center's work are not all drafted by the Center. Some are Center-drafted, such as those on environment (air, water, noise pollution, weather control), hijacking of airplanes, control of sea bed mining, and dangerous drugs. Other common interests of mankind are being covered by other efforts to draft uniform model laws or universal treaties. Most of the treaties urged upon nations by the Center were drafted by the United Nations and its specialized agencies.

During one week of work the Conference adopted 41 resolutions addressed to the law problems of the World. The impor-

tance of the delegates focused world attention upon their actions, i.e., 96 nations sent their Chief Justice or a High Court Judge, and Ministers of Justice, Attorneys General or Bar Presidents of 51 nations were present.

The Conference took a look at the existing body of international law and the laws of nations. They found both vastly defective, deficient and full of gaps in meeting humankind's current needs. They concluded that the chief defects and gaps were in the legal protection of the basic human rights of individuals. Above all, the Conference established that the cry for justice is universal. It also established that injustice through denial or inadequate protection of human rights is the most universal legal problem of humanity.

Under the impetus of this recently concluded Conference of World law leaders, the program which they formulated and adopted now goes through those law leaders to national leaders and hopefully through them to the peoples of the World. Leaders of nations and World leaders including President Nixon, Prime Minister Gandhi, Prime Minister Heath, King Hussein, Pope Paul, U.N. Secretary General Waldheim, World Bank President McNamara, and some 100 other national or international leaders sent messages of encouragement to the World Conference.

That real progress toward international peace depends on international and national legal protections of individual liberty was the most basic decision of the Conference. This decision came under the spur of honoring the Universal Declaration of Human Rights by evaluating the impact of its 25 years. Citing the decolonization of Africa, the decline of racism in the United States, and enactment of laws prohibiting discrimination against the untouchables in India, speakers hailed gains attributable to the Declaration but deplored the progress of the fight against denial of human rights as inadequate. Apartheid was unanimously condemned. This assessment of the status of the human condition and the suppression of human rights and the need for progress was clearly a strongly felt consensus of the Conference.

Human rights of refugees was singled out for special world attention as a major problem area—a war causing area—where legal protections are inadequate. The great Norwegian jurist Dr. Atle Grahl-Madsen said in addressing the Abidjan Conference: "Refugees are human beings. Therefore, human rights apply to refugees." A heated debate broke out between law leaders from

Arab nations and law leaders from Israel and other nations on refugee rights and other questions as to the Middle East situation. The debate spotlighted the attention which this area deserves, and the law's potential for splitting up and off into channels those questions which are or may become law questions as distinguished from explosive political questions. The debate also illustrated the helpful educational value of such discussions in a forum which has no decision power but which is helpful toward reaching a decision by illuminating debate of tough problems.

The developing nations seeking investment by multinational corporations urged through their delegates a law framework for this purpose. Work papers, debates, and discussions in this area were aimed chiefly at law rules to encourage a free flow of people, goods, and ideas throughout the World Community with law used as a universal resource to bring barriers down and provide an increasingly open World. Such ideas as a universal United Nations monetary unit to help cure current money conversion problems received serious discussion.

A landmark resolution calling for amendment of the United Nations Charter to require all U.N. members to submit all disputes to mandatory peaceful resolution processes and procedures received approval. An end forever of decision of disputes between nations by killing humans in war was supported as the greatest common interest of humankind. Some argued that the right of self-defense justifies war on all occasions and the answering argument was that collective action by the United Nations was the best answer and the best way to end the archaic method of using human death as a decision method. The United Nations' weakness was acknowledged but refurbishing its great purposes and war-ending mission was recalled as within the vital interests and power of the World's people.

Model treaties and national laws aimed at terrorism, dangerous drug control, environment pollution, hijacking, sea bed mining and other subjects were approved along with a convention proposing an international criminal court. Each were backed by extensive work papers prepared by the World's leading experts.

Continuing its educational efforts to persuade nations to expand the use and jurisdiction of the International Court of Justice (World Court), the Center in Abidjan staged a demonstration

trial similar to the famous Belgrade Space-Ship Trial.² The Abidjan Trial involved a supposed hijacking of an airplane during which the hijacker killed one person. The seven member "Court" in a landmark decision announced by the Presiding Judge, Chief Justice Elias of Nigeria, held that under international law the World Court has jurisdiction to force the nation in which the hijacker sought asylum to try the hijacker or to order him returned for trial to the nation where he boarded the airplane. Damages for the death and hijacking were also ordered. Professor Della Rocca of Italy and American Bar Association President Chesterfield Smith were the winning lawyers. Able arguments for the defense were presented by Fernando Fournier of Costa Rica, J.B. Piggott of Australia, Juan Manuel Fanjul Sedeno of Spain, and Teye C. Barnard of Liberia. The other judges were Justice Sansern Kraichitti of Thailand, President Alphonse Boni of the Ivory Coast, Chief Justice William R. Douglas of Barbados, Chief Justice Antti J. Hannikainen of Finland, Chief Justice Kuo-Cheng Tsien of the Republic of China, and Judge Norma Holloway Johnson of the United States.

Such a broad ranging Conference defies short analysis. Suffice it to say, its deliberations and actions have triggered comment, reactions, and dialogue which will accentuate over the months and years ahead as the World, due to internationalization of life, moves to internationalize its law. That judges and lawyers of nations (who were formerly concerned chiefly with their domestic law) are now at the forefront of this rapidly developing initiative to mobilize support for such a program demonstrates its grass roots nature as well as its strength. Formerly international law was the concern of diplomats and law teachers; now in a world shrunken by speedy communications and transportation, it is everyone's concern.

As the "permanent marker" of the Conference, Chief Justices of nations provided their Nations' code of law, constitutions or similar volumes. Many contributed their high courts' decisions, law books published in their nation and other law volumes of great value. These volumes were displayed in the Conference Law Exhibit and then presented to Chief Justice Alphonse Boni, President of the Supreme Court of the Ivory Coast for that na-

2. The Belgrade Space-Ship Trial was conducted at the Belgrade World Conference on World Peace Through Law, 1971; the transcript, briefs, and opinions have been published by the Center.

tion's Law Library. Many have notified the Center of volumes shipped but not yet received so the full number is unknown but it is certain to exceed 3,000.

The Center has announced a study to be released every two years containing the "law record" of nations to focus public attention on treaty acceptance by nations which is similar to the arms records now compiled. This study may provide new impetus to increase treaty acceptance and thus increase the strength of the law of the World. Such a development would increase the chances for that peaceful resolution of disputes which will cause law to replace force as the controlling factor in the fate of humanity.

Above all, Abidjan demonstrates that the cry for justice is a universal cry. No nation's law record is perfect. Law like life requires constant change to keep up with human progress.

In this generation humankind has assembled by concentrated effort the manpower, brainpower, knowledge, and resources to accomplish such dreams as splitting the atom and placing a man on the moon. Such gatherings as Abidjan can help crystallize these essential elements behind a program to develop a law regime under which human rights are so respected that the rule of law will grow strong enough to prevail over force throughout the World. Perhaps humankind can now use this same method used to split the atom and put a man on the moon to achieve its most ancient dream of a peaceful world order with justice for all peoples within and among all nations. That the dream has persisted despite wars and suppression of human rights is proof of its power over the human mind. Abidjan and its progeny are stepping stones toward the translation of this most ancient dream from fantasy into reality.

In sum, Abidjan was a tremendous success. It proved that judges and lawyers are a growing organized force for peace. The future size and speed of that growth depends on their capturing and energizing widespread public support for the great ideal of substituting law for force as the controlling factor in the fate of humanity. This dependence on public education and support lies in the fact that law in ultimate thrust is crystallized public opinion. Whether a nation's leaders accept a treaty or law, on terrorism for example, depends on educating the public to the point they demand such acceptance. Public opinion fluctuates on such subjects but when it crystallizes, it becomes a compelling

factor. Public leaders vie for and bow to overwhelming public opinion. Some leaders do it with lagging steps and reluctant hearts but bow they do.

In this context, Abidjan was a real milestone along the road to a peaceful World. It captured and focused World attention on the promise and potential of a World ruled by a law system rather than the arms system. The future work of the Center will build on this foundation. All judges and lawyers are urged to join the Center thus adding a new dimension to their public service. Non-lawyers may join as associate members.