

Foreword to Enforcing International Law – A Way to World Peace

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When it comes to international law enforcement, everything is linked. There can be no social justice without reducing the costs of arms; no disarmament without a peaceful method of settling irreconcilable disputes among states; no court with binding authority to resolve such disputes until states agree to give it the necessary power; no need for an international force if there is no international court; no consent to judicial determinations until there are common norms of international behavior; no agreement on norms until nations with different values develop mutual confidence and a will to compromise in order to enhance the security and well-being of all peoples. Progress must be made in all areas if effective international law enforcement is to become a reality. The ultimate challenge is whether human intellect will prevail over man's destructive capacity.

When seen in historical perspective, the eager eye can find room for hope that humankind will overcome the present hazards. Our documentation has shown an evolutionary process in which man's ingenuity invents new institutions to cope with needs of a rapidly expanding and constantly changing society. Ancient codes and musings of philosophers led to the beginning of international law. City-states form councils and independent nations learn to move from alliances to conferences. The laws of war are codified. Federations of states are formed – the United States, the League of Nations and the United Nations. Sovereign nations surrender part of their sovereignty to form regional associations, and "non-aligned" states align themselves to further common political or economic interests. International courts are established – the Permanent Court of International Justice, the International Military Tribunal, the International Court of Justice, the Court of the European Communities, the Human Rights Courts of Europe and Latin America, and a host of tribunals to regulate trade, environment, sea-bed and other disputes. Codification of law is expanded to cope not merely with laws of war but

also with responsibility for aggression, terrorism, crimes against humanity and other offences against the peace and security of humankind. Principles are formulated for the economic rights and duties of states. International rules begin to govern conduct affecting the environment, the seas and outer space. A vast array of international agencies seeks to resolve international problems of health, welfare and finance; a sense of global community grows upon the human conscience.

In the field of peace-keeping, a system of collective security is devised and its problems exploited, but the system is never put into practice. Other, less decisive peace-keeping techniques are perfected, including improved fact-finding, truce and armistice arrangements, good office mediation, conciliation, arbitration and the availability of judicial options to settle conflicts. U.N. injunctions calling for cease-fire hasten the end of hostilities and help to limit the number and nationality of combatants. Although it may be said that what is needed more U.N. resolution and fewer U.N. resolutions, the progress made, particularly in recent years, is formidable.

We are not mindful of past failures to enforce international law and of great hurdles still to be overcome before compliance can be expected. One should not expect instant evolution. If, however, one notes human achievements in the fields of science and technology, one is encouraged to believe that equal skills can master the difficulties of enabling peoples to live together in peace and dignity. It is not rational to conclude that humankind can invent the means of destroying the world yet lacks the intelligence to prevent it from happening.

There are no reasonable alternatives to the peaceful enforcement of international law. The world can endure "small wars" for a time, but the peril is great that conflagrations will spread to include weapons of mass destruction. As long as nuclear nations lack the will to use their might except in their own interests, their power is not a safeguard but a menace. The notion that a nuclear war can be "won" is a suicidal absurdity. A unilateral determination that the adversary is a demon whose nationals may be annihilated by a self-styled savior is no longer tolerable conduct by any nation or group. International cooperation must replace the prevailing international anarchy. What is

required is the determination by all countries – their statesman and their peoples – to further every program and procedure that leads toward more effective law enforcement. In the interests of all, the sovereignty of the state must be replaced by the sovereignty of the law. The documents of history, tracing the efforts to enforce international law since law first began, may help point the way to world peace.