

FOREWORD

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The materials that follow reflect the proceedings of the Law Professor Workshop, "Coping with Internal Conflicts: Dilemmas in International Law," which was co-sponsored by the American Bar Association and the University of Georgia School of Law at Athens, Georgia, on May 7-8, 1982. The Association's Standing Committee on Law and National Security and the International Law Section are pleased that these materials, in addition to their enrichment potential, will record the Association's effort to honor former Secretary of State Dean Rusk for his public service and his contribution to the study and understanding of international law and international relations. The Committee acknowledges with appreciation the contributions of Professor Gabriel M. Wilner of the University of Georgia School of Law and Dr. Bernard A. Ramundo of the National Law Center, George Washington University, to the success of the Workshop.

The Workshop, one in a series on contemporary national and international security affairs problems, is part of the Committee's general educational effort to increase the relevance of law school instruction in the national security area by providing a law-policy-interaction dimension. The Committee believes that law students should have the benefit of national security-oriented instruction to prepare them for the traditional leadership role of the Bar in community and national affairs. To be effective, such instruction should include both contemporary and future legal and policy issues. The Workshop honoring Dean Rusk sought to do this by considering the need for regime development to control internal conflicts which threaten international peace and order. Professor Rusk stated the issue succinctly as follows:

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Older distinctions between internal and international wars seem to be melting away because of the direct or indirect involvement of other nations in internal conflicts. Just as human rights are now no longer a purely internal affair, it may be that internal wars must become a matter of concern to the community of nations because they so frequently affect the possibilities of organizing a durable peace.

To explore the possibilities, the Workshop covered (i) the obligations of other states in cases of internal conflict; (ii) the applicability of humanitarian law in internal conflicts; and (iii) the role of international and regional organizations in internal conflicts. With respect to each, the focus was on current international legal principles and the desirability of effecting changes to reduce the adverse impacts of destabilizing internal conflicts. The ambitious program necessitated two full days of activities which produced stimulating exchanges between the participants and the Workshop "faculty" of distinguished specialists, both foreign and domestic, and present and former government officials who generously shared their special insights on the subjects covered. Their presentations were well received by the Workshop participants who were stimulated by the exercise in international norm building. The highlight of the Workshop was the period devoted to the "reflections" of Dean Rusk who shared his perceptions of the current state of world order with special emphasis on the problem of internal conflicts. Although the Committee was gratified by the diversity of views presented, it must note as always that the views expressed are those of the presenters and do not reflect those of the Association.

Dean Rusk was honored by the attendance of respected specialists and dignitaries and by the receipt of congratulatory messages from those who could not attend. Among the messages were those of George Ball:

Some Americans in public life, diligent in advancing their own interests, receive far more adulation than is due; others, out of a modesty derived from a larger perspective and a deeper understanding of world forces, are less concerned with the capricious assessments of the moment. They decline to manipulate the judgment of history because they do not fear it. Dean Rusk is one of that small elite.

and Henry Kissinger:

It is not only because we will both go down in history as Secretaries of State who spoke with funny accents. It is also because I

have known you—before, during and after my own tenure in Government—as a pillar of strength and decency and integrity. Intellectual fashions come and go, but the basic values of character and patriotism endure. In your work as a teacher of international law and a wise Counsellor to the ABA Standing Committee on Law and National Security, you have shown that public service is not limited to government service.

The Committee owes a special debt of gratitude to Dean Rusk for his assistance and participation in many of its workshops and looks forward to a continuation of that association as it sponsors additional programs in the national security and foreign policy areas.

On a more personal note, I am privileged to have chaired the Committee when it honored Dean Rusk. The association with Dean, a Counsellor to the Committee since 1975, has been a source of enlightenment and inspiration. As the Committee's premier Scholar-in-Residence, he has taught us that, in the final analysis, the strength and survival of the West are based upon its espousal of freedom which continues to be the beacon of mankind in the troubled seas of world affairs. Dean Rusk is a leader of the free world whose life epitomizes the dedication to freedom under law.

