

# SYMPOSIUM – THE FUTURE OF INTERNATIONAL LAW: THOUGHTS ON THE NEXT FORTY YEARS

## FOREWORD

### A REFLECTION ON THE COMING DECADES

The survival of nations is not a matter of law.

Dean Acheson

In a nuclear world the survival of nations depends upon law.

Dean Rusk

As we approach the decade of the '80's, it is apparent that the human race is moving into a new and critical chapter of its long history. *Homo sapiens* now faces a series of problems which are different in kind or scale than those we have faced before and which will require tolerable answers within the next three or four decades if the Family of Man is to avoid catastrophe. Among these are:

- the unfinished business of organizing a durable peace in a world in which thousands of megatons lie in the hands of frail human beings
- prospective shortages of energy and non-renewable minerals as renewed causes of war
- continuing population growth with its pressures upon food, living space, raw materials, standards of living, etc.
- the possibility that man himself can inflict irreparable damage upon the thin and fragile biosphere in which mankind must live
- tensions among peoples of different races, religions, cultures and national backgrounds—those tensions between “we” and “they” which have brought so much tragedy to the human story
- hostility between the have and have-not nations as those afflicted by misery, disease and illiteracy insist upon an improvement in their fate
- persisting ideological rivalries between those aiming at a world of coercion and those insisting upon a world of consent

The list could be expanded. As we look ahead to the next decades one can perceive a desparate race between the processes of law and the surging forces of destruction.

If the long range outlook seems to be rather gloomy, there are major assets on which to build. In August, 1979, we put behind us a period of 34 years since a nuclear weapon has been fired in anger, despite a series of grievous crises since 1945. Underneath alarming headlines is a context of positive, constructive cooperation among nations which is rarely noticed because normality is simply not news. The overwhelming majority of treaties are effectively carried out, and an overwhelming majority of international disputes are settled by peaceful means.

Nevertheless, there remains much to be done, requiring as much imagination, creativity, sanity, tolerance and courage as can be found. The student editors of the *Georgia Journal of International and Comparative Law* decided to address themselves to some of the processes and structures within which the present generation of law students will have to work in grappling with problems of the future. To that end, the editors assembled this symposium of short articles to stimulate thought and discussion about legal instruments for resolving some of the international problems on the mid-horizon.

As the student editors see it, this symposium consists of comments by highly regarded, forward looking authors, both young and old, in the international legal field. The Articles by older, better-known scholars provide insight by persons who have been instrumental in the development of current international law and have worked within the legal structures of the past and present. The articles by younger authors give the viewpoint of those persons who will likely be working within the systems discussed in the following pages. Moreover, the articles have been solicited from authors of divergent nationality with the intention of obtaining a meaningful cross section of opinion. It is the hope of the *Georgia Journal* staff that the comments in the following pages will provide increased impetus for development and strengthening of the legal structures so necessary to prosperity and peace in the international community.

I commend the editors of this *Journal* for their lively interest in new demands upon the international legal order in the coming decades. With the rapid escalation in the pace of change, we must lead with our sights if we are to be on target with our problems in a timely fashion.

Dean Rusk