

WORLD PEACE — THE GREATEST TASK OF INTERNATIONAL LAW *

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Mr. Chairman, distinguished guests and Fellow Members of the American Society of International Law:

I feel greatly honored to have been asked to say a few words on the general theme—Causing Compliance with International Law—before such a group of luminaries in International Law. Before performing my pleasant task, let me convey the greetings and best wishes of the Philippine Society of International Law for the success of your deliberations.

I listened with keen interest in the panel discussion on the various topics during the last two days and it is sad to note that notwithstanding the tremendous progress in science and technology, peace does not prevail in the world today. It seems an ironical fact, but nevertheless true that man's progress in the art of war has not been matched by his progress in the art of peace. The move of our society to awaken the world to causing compliance with International Law will surely contribute greatly to the maintenance of peace.

We have been witnessing the disregard of international law as one of the main causes of the world disorder today. Some of the causes of the noncompliance with International Law are—the uncertainty of some of the rules of International law and the different interpretations not only by different scholars and schools of thought but also by the different states. It is not uncommon to see one and the same state interpret the same norm of International Law, in a different way according to circumstances and to its political interests.

Notwithstanding this shortcoming, it can still be truly observed that, on the whole, the rules of International Law are generally observed by the community of nations.

Parenthetically, may I be permitted to invite your attention to the provision of the Constitution of my country which reads as follows:

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** Justice Regala of the Philippine Supreme Court was formerly Philippine Ambassador to Australia and Italy and represented his government in many international conferences.

"The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as part of the law of the Nation." (Art. II, Section 3.)

It is interesting to note that during the last few years, there have been significant developments in International Law, such as: the signing of several bilateral or multilateral treaties on arbitration, conciliation and mediation. These methods of settling international disputes have supplemented the traditional *diplomatic* methods.

The Second Congress of Vienna¹ which met from March 2 to April 14, 1961, adopted the "Vienna Convention on Diplomatic Relations."² I had the privilege to attend that Congress as the representative of my government.³ This Conference was called pursuant to the United Nations General Assembly Resolution No. 1450. More than eighty States, including the United States and the Soviet Union, attended this Congress which codified for the first time the existing rules of international law governing diplomatic intercourse among nations and the immunities granted to diplomatic agents. I would like to pay a just tribute to the members of the International Law Commission for providing the draft articles which served as bases in the discussion of the conference. Two years later, the United Nations called a similar conference in Vienna and approved a Convention on Consular Relations.

One of the vital needs of the present-day system for development of international law is the greater acceptance of the compulsory jurisdiction of the International Court of Justice.⁴ I feel strongly that this Court should play a more important role in the settlement of international legal disputes. It is worthy of note that of the present one hundred thirteen member-states of the United Nations, only thirty-seven States including the Philippines, have accepted the compulsory jurisdiction of the Court. In its fifteen years of existence up to the end of the year 1961, it had decided only nineteen contentious cases and had given a limited number of advisory opinions.

I would like to venture two suggestions for consideration in this meeting:

¹ This Congress is sometimes called Conference on Diplomatic Intercourse and Immunities.

² See Ernest L. Kerley, *Some Aspects of the Vienna Conference on Diplomatic Intercourse and Immunities*, Am. Journal of International Law, Vol. 56, p. 88 (Jan. 1962).

³ Dr. Regala was serving as Philippine Ambassador to Italy and Concurrent Minister to Austria. He was elected one of the Vice-Presidents of the said Conference.

⁴ See Dr. Leo Gross, *Some Observations on the International Court of Justice*, Am. Journal of International Law, Vol. 56, p. 38 (Jan. 1962).

The first suggestion is the need to call a Third Peace Conference similar to the Hague Conference of 1899 and 1907. This international conference should be called under the auspices of the United Nations primarily to revise and coordinate the existing rules of international law in order to meet the new conditions or circumstances existing in the world today.

In advancing this idea, I speak for myself alone, vitally interested as I am in the development of international law and having been professor of the subject for more than twenty years.

It is to be noted that scientists are making in-roads into the realm of the unknown on all fronts; new weapons are being invented and produced; new forms of energy are being developed for peaceful or warlike purposes; swifter and cheaper methods of communications and travel are provided; and several legal problems are created by the growing activities in space.

We may ask the pertinent question:

Are we prepared to provide rules and regulations to govern these new discoveries?

It is interesting to note that the Committee on Peaceful Uses of Outer Space of the United Nations General Assembly recommended to the General Assembly the calling of an international conference regarding the peaceful uses of outer space, similar to the Geneva Conference in 1955 that led to the establishment of the International Atomic Energy Agency in Vienna.

It is heartening to note that the United Nations General Assembly passed a resolution indorsing the principle that the outer space and all bodies in it are not subject to national appropriation and are subject to international law. The implementation of this resolution may be one of the topics to be taken up by this conference.

The second suggestion which I propose for your consideration is that the International Law Commission created in 1947 by the United Nations General Assembly, sitting in Geneva for about two months each year, should be made a permanent body and meet continuously throughout the year so as to devote its time and energy to the codification and development of the rules of international law. The achievements of science constantly demand a redoubling of efforts in law in order to avoid a fatal lagging behind. Furthermore, the progressive development and codification of international law is too urgent and important a matter to be dealt with on a part-time basis.

I conclude with this thought. The task of building a peaceful and prosperous world through the process of the rule of law is a difficult one. The road to the goal may be a long one. This fact is no reason to despair. Rather, the peoples of the world, specially the leaders in the field of international law, should demonstrate the vision and the capacity to move steadily toward the goal.

This, indeed, is the greatest challenge facing us today.