

TOWARDS WORLD PEACE THROUGH LAW

FLERIDA RUTH P. ROMERO *

Described as the largest international legal conference in advance publicity build-ups, the Eighth Biennial Conference of the World Peace Through Law Center lived up to expectations when registration reached a peak of 5,000 on opening day. Held on August 21-26, 1977 on the eve of the first anniversary of the elegantly functional Philippine International Convention Center, the six-day Conference reeled off smoothly climaxing over a week's preparation under the leadership of Coordinator Ambassador Amelito R. Mutuc, Chairman of the Philippine Section of the World Peace Through Law Center and President of its affiliate organization, the World Association of Lawyers.

World Peace Through Law Center

In 1963, the World Peace Through Law Center was organized in Athens, Greece, at a meeting of lawyers and jurists from 120 nations. As its name indicates, this non-political body aspires to bring about a peaceful world order through the strengthening of the world's legal systems and institutions.

Men of law from all corners of the globe can enlist in one or more of its affiliate organizations: World Association of Judges, World Association of Lawyers, World Association of Law Professors or World Association of Law Students. Through these Associations, research or action programs in diverse fields of law on an international scale are undertaken.

With the passage of the years, the impact on the legal arena and influence on global affairs of the World Peace Through Law Center has become more and more pervasive. In the past, biennial conferences were held in various capitals: Athens (1963); Washington, D.C. (1965); Geneva (1967); Bangkok (1969); Belgrade (1971); Abidjan (1973); and Washington, D.C. again (1975).

Describing the Center's activities, its President, Charles S. Rhyne, stated that it is "the most effective global private program" to develop international legal rules and strengthen international legal institutions.

* *Secretary-General*, Manila World Law Conference, 1977; *Professor of Law*, University of the Philippines College of Law; and *Head*, Division of Continuing Legal Education, University of the Philippines Law Center.

No less than the President of the United States of America, Jimmy Carter, conceded the "contributions of the Center toward international understanding of the different legal systems throughout the world, toward identification or shared values, and toward development of universal standards." From Washington, D.C., Headquarters of the World Peace Through Law Center, its global operations are directed by its Secretariat, a small staff representing different countries and speaking as many languages.

Manila — Site of Eighth Conference

For its Eighth Biennial Conference, the World Peace Through Law Center chose Manila as the venue. An advance mission headed by Secretary General William Thompson came to Manila to survey the city as possible site. Earlier, several other countries offered to host the Conference such as Iran, Italy, Mexico and West Germany. It was reported that the Philippines put up a \$300,000 bid as against Iran's \$1,000,000.

The survey mission chose Manila when it observed that it boasted of a newly-constructed convention center and ten new hotels, all of which were more than enough to house the delegates to this mammoth legal conference. An additional factor was the successful joint meeting of the International Monetary Fund and the World Bank a few months earlier. Not the least of the considerations was the stability of the Government of the host country. It was observed that although the country was under Martial Law, the civilian government reigned supreme over the military, and peace and order prevailed in most of the country.

Conference Agenda

Chosen as the theme of the Conference was "International Legal Protection of Human Rights," a subject of current interest. All over the world, August 21st was celebrated as World Law Day. While there would be appropriate observances in various countries, it was naturally to be expected that the "Summit" celebration would be held in Manila where the President had issued a proclamation enjoining schools, government offices and other institutions to commemorate the special day. The Integrated Bar of the Philippines, headed by Atty. Marcelo B. Fernan, sponsored the program which was highlighted by an address delivered by Supreme Court Chief Justice Fred Ruiz Castro on "Human Rights in the Philippines."

In welcoming the delegates to our shores, President Ferdinand E. Marcos declared: "Our hospitality is therefore extended not only to the distinguished persons of the Conference, but equally to the subject of the Conference; for it is a subject close to the heart of a developing society such as ours, which

has sought to make the individual the object and the instrument of human development."

Principal item in the Conference agenda was the discussion in business sessions of a broad spectrum of legal topics, most crucial of which was the overall theme of "Human Rights." The twin subjects "Promotion of International Legal Protection of Human Rights" and "Program of Implementation of Internationally Protected Human Rights Within Nations" were expected to generate animated verbal exchange, if not outright controversy.

Likewise of significance to both developed and developing countries were such business topics as "Banking Law and the Regulation of the International Flow of Capital," "Transnational Legal Aspects of Labor-Management Relations" and "Code of Conduct and Taxation of Transnational Corporations." The academicians' views on Legal Education were to be aired in the Seminar of the World Association of Law Professors which was to focus on "Legal Education for Today's World."

Recognizing the importance of adjudicative machineries, the World Association of Judges concentrated on "The Congestion of National Courts as a World-Wide Problem," while another group focused on "Expanding the Jurisdiction of the International Court of Justice." Likewise on the agenda were such contemporary topics as "Mass Communications, Freedom of the Press and the Rights of Man" and "The Law of the Sea: After New York." "The Legal Aspects of International Disaster Relief," "The World Population Problem," "The Legal Protection of Refugees" and "The Use of Mercenaries" were also up for discussion. Not to be disregarded were such futuristic topics as "Space Law as It Affects Domestic Law" and "Computer Technology."

Of tremendous appeal not only to lawyers and judges but to law students and the public in general were the two demonstration trials on The Human Right to Die and the Legality of the Exploitation of the Non-Living Resources of the Deep Seabed in the Areas Beyond the Limits of National Jurisdiction.

As the curtain was all set to rise on the global meet, some delegates from the United States got stranded in Honolulu when their Philippine Air Lines plane caught fire just before takeoff when one of its four jets failed to start.

President Marcos on Human Rights

Keynoting the Opening Inaugural Ceremonies, President Ferdinand E. Marcos expounded on Martial Law and the New Society. In his address entitled "The Challenge of Liberty", he opened by consecrating the New

Society "to the attainment of the true dignity and freedom of our people under a rule of law."

"This is my passion, this is my life, as I know it is the passion and the life of the Filipino people. And as I have sworn allegiance to the Constitution and to our flag, so do I personally resolve and swear that neither time nor tide, neither men nor events shall swerve me from this purpose."

In a brief historical note, he recalled that the two pillars of public order are law and authority. In trying to avoid the extremes of unrestrained individual liberty which leads to anarchy and the unlimited use of authority which results in tyranny, he has opted for a government of laws. While he could have discarded the restraints of the Constitution and established a revolutionary government that would deal more expeditiously with opposition and criticism, he instituted a crisis government or a constitutional authoritarianism anchored on the Commander-in-Chief provision of both the 1935 and 1973 Constitutions.

In the Philippines, he said, law has not merely followed after the footsteps of change and innovation: "rather, the law has been utilized as the cutting edge of innovation and change". He cited land reform and reforms in the field of labor, monetary, tax, educational and other economic, social and political policies.

By way of reassuring the people on the length and duration of martial law, he categorically declared: "I have no intention of leaving as a legacy to our people the institution of a command society."

Forthwith, he dramatically announced to the international assemblage the lifting of curfew and the ban on international travel, the granting of amnesty to all persons accused of subversion and the holding of national and local elections the succeeding year in preparation for the time when conditions in the country shall have improved enough to warrant the lifting of Martial Law.

Explaining why the Philippines had ratified only the Covenant on Economic, Social and Cultural Rights and not the Covenant on Civil and Political Rights as well as its companion Protocol, he recalled the statement of the Philippine Representative in the United Nations in 1966 when the Philippines was not under martial law that the country was opposed "to the means of implementation as constituting a derogation of national sovereignty inasmuch as it authorized other states to petition when the petitioner-state considers another state as not complying with the provisions of the covenant."

While the Philippines, he added, subscribes to those rights, it prefers a regional approach to the problem of ensuring human rights protection.

While there may be differences among nations about the value or wisdom of the method of enforcement of the Covenants, there is "no quibbling today about the irreducible minimum of fundamental values". These are: "The prohibition of genocide and terrorism; the freedom from torture and cruel and barbarous punishment; the guarantee of due process of law to all who are accused; and the basic rights to life and security of person."

Drawing from Philippine experience, President Marcos asserted that while the society aspired to attain the gains of Western democracy, it "gradually passed into a state of profound decay and drift, in which the forms of democracy could no longer conceal the malignant inequalities, injustices, and tensions in the society." In the face of a situation ripe for revolution, martial law was proclaimed "to protect the people and restore our true freedom."

He reiterated the fact that "of the more than 142 countries of the world today, only about 15 could be described as truly democratic in the western tradition."

While realizing that foreign observers viewed his historic move as "merely a camouflage for authoritarian rule", he recommended a "zealous examination of events and developments in the Philippines. We stand by our record as a measure of how we protect and promote the fundamental rights of our people, and seek to expand the meaning of freedom for all."

Finally, he pledged: "... in this interval of emergency, we have not lost sight of our commitments to fundamental values and human rights. The rule of law has fully operated in our society. The Republic of the Philippines will rigorously adhere to the Rule of Law."

In the same vein, Chief Justice Fred Ruiz Castro stated in his World Law Day Address that the thrust of the martial law administration is "to save our free enterprise society by curbing the excesses of the few and at the same time lifting the masses of the nation from degradation by removing the causes of their discontent."

Recalling the compelling provision in the two International Covenants on Human Rights on the right of all peoples to self-determination, he called upon "all nations to draw up programs for the preservation and promotion of human rights within the context of their respective national perspectives, needs and aspirations, so that the observance of human rights may soon become a categorical imperative in the life of every human being who inhabits this earth."

Human Rights

Central to the discussion on Human Rights in two panel sessions were the provisions of the Universal Declaration of Human Rights passed by the

United Nations General Assembly in 1948 and the two subsequent Covenants, the Covenant on Civil and Political Rights and the Covenant on Social and Economic Rights. Attention was called to the countries which had not ratified either or both of these Covenants. For instance, the Philippines has not ratified the Covenant on Civil and Political Rights as well as its companion Protocol. One of the panelists pointed out, on the other hand, that President Carter, a most outspoken exponent of human rights, had not seen fit to have the United States ratify both Covenants.

In one group, the Philippine spokesman and the speaker for Taiwan defended divergent positions with the former stressing the right of peoples to self-determination as embodied in the United Nations Charter. Therefore, she proposed to "let every nation, within the context of its own perception, needs and aspirations determine how to promote these rights, within their resources and capabilities . . ."

On the other hand, the panelist from Taiwan stressed that precisely, "the stumbling block to the granting of individual protection of human rights in international law is the outmoded commitment to sovereignty." He added: "It is true that in accordance with the general principle of conventional international law, no State or group of States has a right to intervene directly or indirectly for any reason whatever in the internal affairs of another State, but *suppression of human rights is no longer considered as an internal affair of a State* in the modern conception of international law."

In view of the above, the Conference called upon all States which have not yet ratified the Covenants to consider favorably such ratification. In the meantime, they should take all measures necessary for their application to the largest possible extent. Those States which have ratified these Covenants were urged to ensure their full and entire implementation. All agencies of the United Nations were mandated to carry out fully and objectively their responsibilities in the field of supervision of the implementation of the Covenants.

All nations parties to the Helsinki Accords of 1975 were reminded to periodically report on the progress made in their country in promulgating measures for the implementation of their commitments to respect the human rights and fundamental freedoms of all citizens.

Climaxing all deliberations on the pivotal subject of human rights was the Manila Human Rights Proclamation. It declared that "respect for human rights is a vital element in the achievement of world peace and international security and central to the realization of man's ultimate mission: the creation of a world of peace with justice and equality for all." Hence,

an appeal was sounded to the leaders of each nation "to respect the dignity of man and to demonstrate their sincerity of purpose in the realization of the primordial role that human rights must play in the development of a world of peace and justice . . ."

Finally, it was formally proclaimed that "it is the world legal profession's sacred duty to labor unceasingly to urge the leaders of the nations of the world to respect the human rights of their peoples" and to try "in their professional activities, to promote and defend the human rights of any individual in their respective countries."

In another hall, a heated verbal exchange ensued between an Israeli delegate and a Palestinian exile on the right of people to leave and return to their country. Justice Enrique M. Fernando, Senior Associate Justice of the Philippine Supreme Court and a Constitutional Law expert, in speaking about the Philippine experience said: ". . . Martial Law, while calling for some remedial measures to assure the return of normalcy, has not unnecessarily encroached upon the sphere of intellectual liberty."

Press Freedom

The deliberations on Mass Communications and Freedom of the Press noted the fact that governments have, from time to time, thwarted the basic right of people to exchange and disseminate information, particularly on matters of public interest. Therefore, the Conference urged the governments of the world "to remove restrictions on the right of people to communicate with one another, in, including the repeal of all measures restraining information dissemination on matters of public interest prior to communication or publication, except in cases of serious danger to national security."

Attack on Poverty

Aware that one-quarter of the world's people live in poverty, thus enlarging the gap between developed and developing nations, the delegates urged developed nations to pool their knowledge and resources to eliminate poverty and starvation in the developing nations. All international organizations were further urged to promote projects aimed at achieving self-sufficiency through technical, educational and research assistance to the nations of Asia, Africa and Latin America.

All governments were further enjoined to establish a world market in food and other primary commodities, this resolution having been passed on the basic premise that an adequate food supply is essential to human dignity and world peace.

Transnational Corporations

The presence and conduct of transnational corporations doing business in developing countries came under close scrutiny, even scathing criticism, at the Conference. While it was conceded that transnationals can boost the economic development of "have-not" countries mainly because of creation of jobs, the flow of capital and transfer of technology, the strong view was expressed that their operations should be regulated by a global code of conduct.

John H. Young, Chairman of the Committee on Taxation of the World Association of Lawyers, argued for the promulgation of such a code because of the pervasive way in which they affect the mode of life in host countries. Not confining themselves to economic development, transnationals create political tensions between countries. Moreover, they ignore the social and cultural values of their host countries as well as the prevailing industrial relations practices and traditions.

Hence, the Conference passed certain resolutions calling upon such corporations to adopt a policy of refraining from intervention in the political affairs of their host countries. The United Nations Commission on Transnational Corporations was asked to continue its work in developing such a code of conduct.

Realizing that taxation can be used as an instrument for the international transfer of resources or a more favorable division of benefits *vis-a-vis* the transnational corporations, the Conference recommended that nations enter into bilateral taxation treaties to create uniform taxation policies for transnational corporations. This would soften the harsh effects of varying taxation systems on economic development.

As regards labor relations, a former Chairman of the United States National Labor Relations Board, Betty Southard Murphy, proposed that free coordinated transnational bargaining be adopted on a regional or global basis.

Banking

The Conference viewed with concern the tendency of individual member countries to attach conditions to the use by international and regional banking institutions of their financial contributions. It therefore called upon these countries to make their contributions unconditional for use by the banking institutions.

Adjudicative Machineries

Cognizant of the fact that a world rule of law is the alternative to war and, therefore, requires a strengthening of the machineries for settlement of

disputes, the Conference went on record in favor of the greater utilization of the International Court of Justice, the judicial arm of the United Nations. It asserted that States, reluctant to consent to the compulsory jurisdiction of the Court on matters involving themselves as States or matters affecting their security, may consent to expanded jurisdiction of the Court in matters devoid of political sensitivity. Noting that the United Nations Charter does not spell out specific arbitration procedures necessary for the speedy resolution of disputes, the Secretary General of the United Nations was urged to take necessary measures for the formulation of such arbitration procedures. In addition, an amendment was proposed to provide a method by which a party to a dispute may compel an adversary to submit the dispute either to arbitration or to the International Court of Justice.

Viewing with alarm the rise of such international crimes as aircraft hijacking and violence aboard aircraft and crimes against diplomats, thus creating increased tensions and frustrations among nations, the Conference proposed the organization of an International Criminal Court. Such a court would provide a neutral forum for the trial of these international crimes in cases where the country of apprehension so chooses.

Even in matters of tax dispute settlement, an appropriate international dispute settlement mechanism which shall include arbitration and resort to international tribunals after utilizing the national courts, was proposed to settle disputes between member States or between a member State and a transnational corporation.

Administration of Justice

It was the consensus in the conference that smooth functioning of the judicial institutions is a prerequisite for a fair and impartial administration of justice. Hence, it was urged that Governments ensure the independence of their judges and that judicial tenure be guaranteed until a fixed retirement age unless a judge develops a physical or mental incapacity or is found guilty of any offense involving moral turpitude or is convicted of a serious criminal offense. The Governments were asked to ensure that the Judiciary be free from interference by the Executive or Legislative branches.

Clogged court dockets were found to be a common problem in all countries. Reasons for these congested dockets varied from country to country. In the Philippines, Court of Appeals Justice Ricardo C. Puno pointed out that more citizens are now becoming aware of their constitutional and legal rights. It was conceded that there was no uniform solution to unclog court dockets. Echoing the previous suggestion of Supreme Court Chief Justice Fred Ruiz Castro, the foreign delegates suggested that judges

conduct pretrial conferences with litigants whose cases are pending before them.

The Sea as a Common Heritage of Mankind

One of the most significant areas deliberated upon in the Conference was the sea as a resource of all mankind. So vital was the matter that it was the topic for debate in one of the demonstration trials. Authorities recognized that an agreement on the Law of the Sea was most urgent. Already several States were unilaterally extending their coastal economic zones and some had started exploitation of the deep seabed. For some time now, the trend towards the clear principle that the wealth of the seas is the common heritage of mankind has been recognized. No longer are peoples and States confining their interests to the surface of the sea; they have realized that a treasure trove exists in the seabed in the form of such minerals as manganese, nitrates, copper; hence, all countries were urged to come to an agreement in the Law of the Sea Conference which would include fair and equitable provisions for sharing the sea's resources and advantages among developed and developing nations as well as stimulating bilateral, sub-regional and regional agreements between coastal and land-locked States.

Legal Education

The paper presented by the World Association of Law Professors Committee on Legal Education, at the outset, recognized that the character of legal education is influenced by each society's differing concept of law and by attitudes about the social role of law and lawyers. Shortcomings common to the system of legal education, however, are the narrow focus of law schools on the preparation of students in the practice of law such that it fails to be "people-conscious": little effort devoted to curriculum planning; courses and methods transplanted by developed countries to developing countries including the inadequacies; lack of provision for a rudimentary legal education for all citizens; and scant provision for continuing education for lawyers already in practice.

A Filipino panelist highlighted the commercial profit-making aspect of law schools. Another batted for the employment of paraprofessionals who with some training, can assist lawyers in administrative and quasi-legal functions. Quite a number of dissenters voiced their opinion that there is no need for these paralegals in countries that have a glut of lawyers.

The Committee recommended that law schools re-evaluate their programs in terms of goals, encourage curriculum planning and experimentation, recruit law teachers for their teaching, as well as legal abilities, consider

ways of imparting basic knowledge of law and the legal system to ordinary citizens and oblige law schools to provide continuing education for lawyers.

World Peace

Several resolutions aimed at establishing peace under a regime of justice were approved in the Conference. For instance, the legal rights of refugees were recognized on humanitarian grounds and appeals made to States to allow the entry of persons seeking asylum. As a corollary, it was recognized that no person shall be subjected to such measures as rejection at the frontier, expulsion or compulsory return to any State where he may be subjected to persecution.

In case of natural disasters, all governments were invited to contribute to the alleviation of the resulting suffering and the stricken peoples urged to accept the relief offered to them.

In another area, the Governments were encouraged to adopt conventions relating to the protection of victims of armed conflicts. Concomitantly, expressing its serious concern over the use of mercenaries, the Conference denounced the practice as an international crime, being a threat to world peace and a violation of human rights that should be condemned by the world community.

In a determined effort to stave off wars and mass destructions, peoples of all nations were exhorted to actively participate in disarmament efforts and to reduce their arsenals of both nuclear and conventional weapons. It was stressed that the United States and the Soviet Union which are in the process of developing cruise missiles to add to their stores of annihilating weapons must be called upon to declare a moratorium on the further development of such atomic weaponry. Recognizing that the consequences of nuclear accidents are grave, a call was made for nations to establish systems of financial protection for victims of such accidents; in other words, to impose appropriate norms of civil liability.

Acts of terrorism for political ends as well as the taking of hostages were denounced.

Demonstration Trials

One activity that excited keen interest not only on the part of the lawyers and jurists, but on the public as well, were the make-believe trials on the Human Right to Die and Deep Seabed Mining. In both demonstration trials, seven Chief Justices from as many countries sat as a panel to hear the arguments of advocates who were renowned trial lawyers of international standing.

In the Human Right to Die, the issue to be resolved was whether a physician has a legal right to terminate the life of an incurably ill patient to alleviate inevitable pain and discomfort at the agonizing late stages of the illness, upon the competent written and duly witnessed request of that patient, without facing the legal consequences of wilfully and premeditatedly taking the life of another.

The panel of Justices ruled that the physician may do so without incurring criminal or civil liability.

The other trial posed the question as to whether a country may send its vessel to harvest commercial quantities of manganese nodules in a deep water area part of which is within 200 miles of the archipelagic base lines claimed by the adjacent islands. The archipelago claimed that the ship had illegally appropriated the resources of the "common heritage of mankind" at the time it was seized.

Likewise filing its protest was a small, undeveloped land-locked state whose economy is heavily dependent upon the export of copper concentrates. The country of the harvesting vessel protested the arrest of its citizens, rejected the archipelagic claims of the adjacent state and pointed out that appropriate revenues from the deep seabed are being held in escrow for all mankind. The panel of justices failed to arrive at a categorical decision which would definitely settle the issue posed.

Nation Builder Award

Capping its deliberations, the World Peace Through Law Center presented an unprecedented Nation Builder Award to President Marcos. It declared that the Martial Law administration was a unique form of government with which the President "achieved a rule of law under a new government structure which has brought peace, prosperity, world recognition of your nation while remaining at peace with all other nations of the world."

From Blueprint to Reality

To hasten the implementation of the noble and high resolve of the conferees to the Manila World Law meet, the National Chairmen of the countries represented, were urged to provide a copy of the resolutions to their respective bar associations. It was considered imperative that the widest possible exposure be given to them.

Finally, the World Peace Through Law Center was urged to report on measures of implementation of the resolutions.

Conclusion

While realists and pragmatists may consider world peace a Utopian dream in our time, every International forum such as the Manila World Law Conference is a "giant leap" that brings mankind closer to the realization of that dream.