

mulgate and enforce domestic legal systems. However, we are closer to having a comprehensive legal framework for international dealings than many people suspect, and the similarities between the domestic and international bodies of law are greater than many suspect.

Let us consider the sources of international law. Domestically, law-creating goes on at many levels. The legislature, the missing element in the international plane, is a prolific source of law. But so also are contracts by which individuals consent to be bound by rules of conduct they themselves establish — custom, the decisions of the courts, and the opinions of great writers on law. All these have parallels in international law.

Treaties, whether they be bilateral or multilateral, are the counterpart of contracts, for they create law by consent among nations. Custom is often a source of international law and in fact some of the great conventions like that on diplomatic relations are the codification of years of custom. The importance of custom is given formal recognition by the Statute of the International Court of Justice, which permits the Court to apply "the general principles of law recognized by civilized nations". Even countries other than those which are parties to disputes are influenced by the decisions of the International Court of Justice and may consider themselves bound by decisions which define the nature and scope of principles of international law. And then there is the work of the writers on international law whose contributions are just as significant as those in the domestic sphere....

While the systems that have developed for promulgating international law are certainly not the most orderly or effective that can be devised, they do clearly serve the function of producing rules which are useful and which are given very wide recognition. The increased flexibility that arises from the less formal procedures may ensure that the rules correspond to existing conditions and change with them more readily than might otherwise be the case. This more haphazard method of promulgating rules of international law may provide a measure of insurance that states, the subjects of international law, will be able to regulate their affairs more effectively than would be the case under a more rigid system.

COMPLIANCE REQUIRES CONSENT

Granting, therefore, that there is a relatively well-organized procedure which produces international law, can the system of international law work without a formal system of enforcement? Undoubtedly, if the parallels between international law and domestic law were exact, then an organized system of enforcement would be the most effective method of ensuring compliance with the law. However, to the extent that international law does exist, it is with the consent of the overwhelming majority of all nations and it therefore has the best teeth of any law system in the world.

There is no greater assurance of the enforceability of the law than that its subjects wish it to be enforced and, however tempting the prospect, will not

breach it. Let us remember, when we think of systems of domestic law, which are so often regarded as valid because they carry with them sanctions, that when the sanctions need to be applied, the rule of law has broken down. In the international field the sanctions are weak and imperfect. But, just because they are weak and sometimes not applied, the extent to which the law is followed is more significant.

I do not wish to sound complacent about the state of international law today. There is certainly not enough of it. The machinery producing it is not smooth. There are many other criticisms that may be levelled against our body of existing international law. But laws are enforceable only to the extent that they reflect the will of the community. As nations accelerate their relations with one another and as they grow more dependent on one another, there arises an ever-increasing need for rules and regulations to govern their relationships. There does exist in the international community a growing and profound recognition of the need for the development of the rule of law.

Admittedly, for the foreseeable future, states are not likely to surrender any more of their sovereignty to the United Nations organs or to the International Court of Justice than they consider to be necessary for the protection of their interests. It follows, therefore, that the effectiveness of international law depends, in large measure, upon the general consent of the international community, as it finds expression in formal principles of law....

UN AS INSTRUMENT OF ORDER

The purposes of the United Nations, according to its Charter, are to maintain international peace and security, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights, and to be a centre for harmonizing the actions of nations in the attainment of these common ends....

The United Nations has had its failures and its successes. But no one should expect it to operate as though ideals could be translated into realities before a lengthy period of experiment, false starts and slow progress. There is really no substitute for time. To quote Dag Hammarskjöld: "just as the first temptation of the realist is the illusion of cynicism, so the first temptation of the idealist is the illusion of utopia".

Criticism of the United Nations most frequently relates to the maintenance of peace and security. It is said that the United Nations is rarely able to settle disputes peacefully and that, when it does have a role (for example, by sending peacekeeping forces), United Nations intervention may tend to prolong a dispute rather than shorten it. Yet, in the history of United Nations involvement in disputes, there are many occasions where the action taken by the United Nations has been instrumental in saving the situation and in preventing or controlling hostilities.