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INTERNATIONAL LAW IN A CHANGING WORLD: SOME COMMENTS ON THE VALUE OF THE OLD AND THE NEW

Speech by the Honourable Paul Martin,
Secretary of State for External Affairs,
to the Toronto Branch of the International
Law Association, October 14, 1964.

The topic I have chosen to speak on is wide enough to embrace all international law. The theme of my speech is change -- not violent change, not revolutionary change, but change in its everyday aspect, what has come to be known as the process of peaceful change. But I do not propose to try to survey the entire span of international law, as it links East and West, newer countries and old, yesterday and tomorrow, the world of armaments and a world without arms, a world where the laws of war are as extensive as the laws of peace, and a world without violence and war. This would be far too ambitious a task for this brief address.

But what I can do is seek to share with you some of the insights which I have gained in my office of Secretary of State for External Affairs, about the meaning of international law for Canada, about how we see it in its strength and how we see it in its weaknesses; about when and how we strive for change so as to overcome the inadequacies of the existing rules and when and how we seek to conserve the achievements and values of the past.

In Canada, our experience is hardly unique. A settled country, an established land, Canada is not besieged by the problems of the newer states struggling to find themselves in the community of nations, seeking to determine their obligations and their rights, their privileges and their responsibilities. As an independent state, Canada has shared in the development of international law in its most crucial years, the two generations which have given rise to the beginnings of a new international order based on multilateral co-operation through world-wide institutions which have risen from the devastations of two World Wars.

We in the West regard international law as our inheritance. It has largely sprung from the postulates of Western authors and the practice of Western states. We were thus mainly responsible for the corpus of present-day international law. In this body of doctrine and rules we find a great deal to our liking. We also find much which we do not like. But what of the attitude of the newer states? If you could share my experience in dealing with representatives of the newer countries, you would, I know, also share the striking and