Recent Trends towards International Legal Order

Commencement Address at the University of Indianapolis,
20 May 1989

You do a great honor to my country as well as to myself by your invitation to join you here today.

This is a truly auspicious and unforgettable day for this year’s class of graduates. I feel privileged to participate in it, particularly since I happen to be a crypto-academic at heart and I very much enjoy being in an academic environment.

The University of Indianapolis can be justly proud for its achievements in the area of international education. We in Cyprus are fortunate in our close association with you through intercollege. The pursuit of higher education and academic excellence are indeed characteristics of the youth also of my country and we highly appreciate the opportunity provided to them to achieve both through this great university and other institutions of learning throughout the United States. It is no coincidence that Cyprus ranks among the highest in the world in the ratio of university graduates to population.

Since my own student days and throughout my thirty year long service representing my country in the United Nations and, for the past ten years in the United States, one topic has attracted a great deal of my time and attention, and this by choice. It is international law and the vision of a peaceful world where the rule of law is applied equally to all nations, great and small. If I may volunteer a piece of my personal philosophy, when I was once asked some years ago if I was an idealist or a pragmatist, I thought for a moment and answered: “a pragmatic idealist”. And since I have today the welcome opportunity of addressing you, the hope of tomorrow – from among your ranks, there could well be future law-makers in Congress, cabinet members, a member of the Supreme Court or even a President of the United States – I think it is fitting that I should speak to you about the role of international law in the world today, in the context of the United Nations and by reference to my own country.

Let me start on a somewhat pessimistic note. In the recent and not so recent past, too often the realities of power relations and the vagaries of
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international politics have taken the upper hand and resulted in double standards in the application of international law. Too often we have seen the law of the jungle prevail over the principles of international law, even though these principles are solemnly embodied most comprehensively in the United Nations Charter, and binding on all states of the world. To give you one obvious example, under Article 2 paragraph 4 of the UN Charter, the threat or use of armed force by one state against the territorial integrity or political independence of another is prohibited; and under Article 2 paragraph 3, all member states have pledged to “settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered”. One does not have to be an expert in international affairs to know that – not always but too often – these basic binding and solemnly proclaimed legal obligations have been honored more in breach than in observance. The fact is that, unlike what is sometimes assumed, the United Nations is not a world government nor a superstate nor a court of law in the national sense which passes judgment and relies upon the executive organs of the state to enforce these judgments. It is only an association of sovereign states and, because of this, it is no more than a reflection of the national positions of these sovereign states which, collectively, constitute the United Nations organization. While in theory, the Charter has a foolproof scheme for prompt and effective action in order to ensure compliance with binding decisions taken by the Security Council, and by the International Court of Justice the practice is considerably different. Because of political considerations and the existence of the veto, the effective application of this fool-proof scheme has so far been prevented. Political considerations and narrow national interests too often combine to render inoperative in practice the theoretically binding principles of international law embodied in the United Nations Charter.

At the risk of being accused of flippancy, let me relate to you the story I heard, when I first went to the United Nations in 1960, as to what happens when there is a dispute between two states and the matter is referred to the United Nations: If it is a dispute between two small states, the dispute disappears; if it is a dispute between a large state and a small state, the small state disappears; and if it is a dispute between two super powers, the UN disappears! Well this is not, of course, quite true and yet there is a sufficient element of truth in it, to make us disquiet as to the state of present-day international organization.

That is why your own role, as the coming generation of Americans, is so vital and even determining. Remember, the alternative to international violence, terrorism and anarchy is international law. And remember that fairness, social justice and the rule of law are not empty slogans but essential components of a world system based on peace and justice.