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NEW DIRECTIONS IN INTERNATIONAL LAW

OSCAR SCHACHTER*

I

As we watch the sun go down evening after evening through the smog across the poisoned waters of our polluted earth, we must ask ourselves seriously whether we really wish some future universal historian on another planet to say: "With all their genius and skill, they ran out of foresight and air and food and water and ideas."¹

IN A SENSE, this quietly eloquent statement sets the theme of my article. For the heart of my subject (hidden, I am afraid, under the unexciting title of "New Directions in International Law") is precisely the threat and the challenge summed up in the above quotation by U Thant. "With all their genius and skill, they ran out of foresight and air and food and water and ideas."

Some of you may wonder what this has to do with the international law you have studied. That body of learning, after all, is largely concerned with the past, with precedents and doctrine formulated in past centuries and with claims and counterclaims of governments citing authority and texts. International lawyers, by and large, have kept away from "futurology"—they do not pay much attention to projections of trends or to complicated mathematical models which try to relate the different variables and reveal their implications for the future. Our profession still works largely in the style of the ancient classicists, reading documents with minute care, analyzing words, structuring arguments. They approach "facts" not as scientists do in an objective way but as advocates, selecting those which support their client's cause or which fit into a juridical concept. When, in exceptional cases, they become "future-minded," they turn to some ideal lawyers' dream—compulsory jurisdiction of the World Court or a new world constitution. These exercises pay little attention to the strategy of getting from here

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¹ U Thant in statement to U.N. General Assembly, 29 October 1970. See VII, 10 U.N. Monthly Chronicle 94 (Nov. 1970).

to there or to the unpleasant facts of economics, politics and human behavior.

Neither of these approaches—not that of the precedent-minded lawyer nor that of the draftsman of a utopian constitution—is geared to the kind of challenge we face today. If international lawyers are to make a contribution—and I for one believe that to be necessary—they must take a hard look at the trend charts, the systemic models, the alternative worlds that may grow out of the present. They must in short look ahead—along with their neighboring disciplines—to the potential consequences of the actual contemporary developments that we can now perceive. More than that, as lawyers their role is not to provide scientific descriptions or projections but to think in normative and institutional terms and to point the way to new conceptions, standards and mechanisms that would overcome or reduce the dangers that can now be perceived, and, hopefully, to seize opportunities that are still only potential. My object will be to indicate, in a somewhat tentative way, how international law might perform that enormously significant role in the next decade or so.

II

The central fact and the unifying concept that I shall stress is growth in the world system—more precisely, material growth in people, in industry, in use of energy, in food production, in use of non-renewable resources, in waste and in pollution. What makes such material growth so overwhelmingly important is its exponential character—it is not linear (like a tree growing one inch a year), it is exponential because it increases by a constant *percentage* of the whole in a constant time period. It is this which is deceptive because exponential growth generates immense numbers very quickly. There are any number of stories which illustrate this. One simple example is to consider what would happen if you said you would eat one peanut one day, two the next, then four, eight—each time doubling the amount. By the end of 30 days, you will be facing trillions of peanuts. Exponential growth is in fact common in biology, in finance, and in many other systems of the world.

A characteristic of exponential growth is a spiral effect—what system analysts call a “positive feedback loop”—which refers to a

chain of cause-and-effect relations so that increasing any one element sparks a sequence that results in the originally changed element increasing even more. A simple example is the way money increases at a constant interest rate—the more interest is added, the more in the account next year and even more to be added in interest.

These elements of exponential growth are especially important when we consider the material growth factors of the world system—notably population and industrial production. And if we look at both sets of growth together, we see in precise figures the truth of the saying “The rich get richer and the poor get children.” The process of economic growth today is clearly widening the absolute gap between the rich and poor nations of the world.

There are other important consequences of the exponential growth of people and capital. For example, there is the sharp change in potentially arable land from an overwhelming excess to—perhaps in 30 years—a sudden shortage. And even if we change our assumptions radically and assume higher yields and greater technological improvements, we still only postpone for relatively short periods the crisis resulting from increasing population and increasing industrialization. Another significant limit on food production is availability of fresh water—where a limited supply faces an exponentially increasing demand. And as we use technology to increase the means of food production, we make increasing (exponentially higher) demands on non-renewable resources such as fuels and minerals.

Of course there may be ways to increase the use of a given supply of resources—we can reclaim or recycle materials. The durability of products may be lengthened and so on. But all of these activities involve trade-offs—reducing present benefits for future benefits (by raising costs today) and using great amounts of energy with increased pollution. And pollution, I need hardly emphasize is another major factor characterized by exponential growth, where control measures, even if they are adopted in time, will involve important tradeoffs.

I could go on and on with other consequences of present trends which pose serious perils for our future. But it may be enough to stress the decline in food, the depletion of resources and the enormous increase in pollution. But can these dire results simply be forestalled by

new technological advances? Recent studies—especially one that has just been produced and released by an M.I.T. team for the Club of Rome²—cast serious doubts on the widespread belief in technological remedies. For through their use of systems analysis and mathematical models, they have been able to interrelate various key elements and to show tendencies when certain assumptions are changed. Thus, they have made models based on highly optimistic assumptions about technological changes—even to the point of unlimited energy (through nuclear fusion) and effective birth control (allowing everyone to have the number of children he or she wants). But their impressive tables show that even with optimistic technological assumptions, there is only a postponement of the crisis and collapse. As long as population and capital grow, technological improvements do not prevent the overshooting of limits and ultimate collapse. On a model that assumes virtually “unlimited” resources, pollution controls, very high food yields from land and the number of children limited to those wanted by their parents, the result is still crisis. Why? Overuse of land leads to erosion and then a drop in food production. Resources still are depleted by a prosperous and growing population (though the assumption is that they are still less prosperous than the United States today). Pollution rises, drops, then rises sharply causing a further decrease in food and a sudden rise in death rate. The reason for this result (and similar results) is basically that the system is growing so fast that changes cannot take place fast enough to counteract tendencies because there are unavoidable time-delays between causes and their effects (e.g. delay between pollutant’s release and its effect on health or lag in ability of population to respond through the birth rate to changing conditions). The delays which are inherent in the negative constraints—such as pollution, depletion of resources, and famine—tend to allow the increasing population and capital to overshoot their sustainable limits which would mean the collapse of society. Up to now, the major response of society has been to try to reduce or counteract the *negative* constraints on growth. That is, we have sought to relieve the pressures brought about by material growth by technological changes which would increase available resources and food yields and would reduce pollution. But relatively little has been done to change the continuing material growth of population and industrial capital. Yet the firm conclusion of

² D. Meadows *et al.*, *The Limits of Growth* (1972).

the M.I.T. group is that the real key variables are population and capital: unless they are kept constant and in a state of equilibrium, a general collapse will occur whatever the other conditions may be. To keep these variables constant—to stop the exponential growth of people and industry—poses an enormously difficult challenge—one that calls for far-reaching changes in the value-systems of most people, for new modes of behavior and surely new political, legal and social mechanisms.

It does not seem necessary, for our present purposes, to accept the conclusion that a cessation in growth is necessary to prevent collapse. It is enough to recognize the threat and peril of the phenomenon of exponential growth and the danger of overshooting the limits of growth. For it is undeniable that the international system faces the necessity of doing something about the inter-linked tendencies we have mentioned. Even if the doomsday prophets have only a small chance of being right, we still have to do something to cut down on the depletion of resources, to control pollution, to increase food production, to reduce the exponential growth of population and most difficult of all, to try to bring about basic changes in the governance of world society and in the values of its population.

III

What has all of this to do with international law? That international law will at least in some degree reflect the pressures and actions that may be taken is clear enough. It may have a more positive and creative role to play and it is that possibility which poses an exciting challenge to our next generation of international lawyers.

The relevance of international law rests on a set of specific roles it performs in the world system.

—First, the international legal system is the principal mechanism for the formulation and authoritative statement of the aims and values of the world system. It is the global constitutional instruments such as the Charter of the United Nations, the Covenants on Human Rights, and the Conventions on the Law of the Sea that express values sanctioned by the great part of the global community.

- Second, international law provides the means and processes for translating these high-level values into the concrete norms and standards for the behavior of governments (and to a considerable degree non-governmental agencies) in their transnational activity. Such standards are manifest in the multinational treaties of a law-making character and in the rules and practice of customary law that structure international relations.
- Third, international law is intimately bound up with the institutions and procedures that have been adopted and will in the future need to be established to set standards and norms, to allocate costs and benefits, to bring about compliance and, in some cases, to manage and operate common facilities. Whether or not lawyers play an important role in the network of multinational institutions and procedures, that network necessarily includes the distinctive attributes of the legal process.

Even now when there is only the bare beginning of a world-wide perception that material growth presents grave dangers, we can detect its impact in the international legislative process. The indications are evidenced in the intense activity that is presently going on in regard to the oceans and the environment. In these fields, we begin to see that certain long-accepted purposes and policies are being challenged and that these challenges take the form of a somewhat different attitude to traditional rights and freedom. Thus, the controversies surrounding the changing law of the sea are raised because of demands that traditional freedoms of use and exploitation be eliminated or restricted so as to conserve resources, both mineral and living. Behind many of these demands for restricting freedom is the fear that the new technologies and new capital investments will deprive the less developed countries of their share of resources or even, as in the case of fishing, that the new technology will overshoot the maximum sustainable yield and bring about the extinction of some species.

Value changes are even more advanced in what we can reasonably describe as the embryonic international environmental law. The dramatic impact of pollution in the industrialized world and the focusing of international action on the forthcoming United Nations Conference on the Human Environment (to be held in Stockholm in June 1972) have already resulted in the introduction of new principles that are

likely to be adopted in solemn declarations and later in multilateral treaties. Some examples can be found in the draft Declaration on the Human Environment which is to be adopted at the Stockholm Conference:³

3) The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

4) The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion.

13) Demographic policies, which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned, should be applied in those regions, where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development, or where low population density may prevent enhancement of the human environment and impede development.

18) States have . . . the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

22) Co-operation through international agreements or otherwise is essential to prevent, eliminate or reduce and effectively control adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the interests of all States.

All of these principles, as well as others in the draft Declaration, evidence an acceptance of policies which run against the aim of increased activity and especially against continued exploitation and use of natural resources. For that reason, they can be seen as an aspect of the changing system of values in regard to growth.

Parallel to such policy declarations are the more narrow and specific measures involving rules and institutional mechanisms. Here again the major source of such new proposals is the Conference on the Environment which recently has brought forth a series of action proposals for that Conference in such categories as "Planning and Management of Human Settlement," "Environmental Aspects of Natural Resources Management," and "Identification and Control of Pollutants of International Significance."

The action proposals in these papers embrace a wide range of

³ Report of the Intergovernmental Working Group on the Declaration of the Human Environment. U.N. Document A/Conf 48/PC 16 (1972).

legal and potentially legal regulation—new treaties, new mechanisms of control and enforcement, new institutions (often within existing bodies) for setting standards and assuming their observance and so on. They relate to health, to food and agriculture, to energy resources, and to many other spheres of human concern. The fact that they are to be considered by virtually all of the governments of the world and presumably acted on by them is of immense significance. We seem to be moving in almost one giant step to a radically new approach to the challenge of exponential growth and to the first phase of a new body of law and procedures to give these emerging values a more effective implementation.

IV

While some encouragement may be drawn from the recent moves in respect of environment, one cannot be nearly as optimistic about measures to reduce population growth. It is true that the international community has begun to take substantial steps to assist countries with technical advice and aid to develop population control capability, primarily through disseminating information on contraceptive methods and on family planning. It is, however, generally accepted that population policy is a matter of domestic jurisdiction within the exclusive discretion of the national government. After all, one can hardly conceive of an area that is more sensitive in this respect, since it is bound up with deeply-rooted religious and social convictions in the particular communities concerned.

Yet the question is beginning to be raised as to whether the dangers of unbridled growth may not require international regulation and not merely technical assistance. If it appears that some governments are unwilling or unable to act in an effective way to restrict the rate of increase, and that presently appears to be the situation in some countries, there will doubtless be a demand for a more authoritative expression of international norms, to be backed up by measures to implement these norms.⁴ The first stage of this norm-setting process may be discerned in the draft resolution on the human environment, particularly in the

⁴ A strong expression of this point of view is found in R. Falk, *World Population and International Law*, 63 Am. J. Int'l L. 514 (1969). See also, P. and A. Ehrlich, *Population, Resources Environment* (1970). For more optimistic views on population and resources, see C. Clark, *Population Growth and Land Use* (1967).

paragraph already quoted on demographic policy in regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development. Although that provision has a qualification that such policies "shall be without prejudice to basic human rights" and should be such as "are deemed appropriate by Governments concerned," it will, if adopted at Stockholm, be a clear step toward a general recognition that population policy is of international concern.

Whether the United Nations would be able to go beyond the general assertion of an international interest into more specific regulatory measures is a fairly speculative question at present. Some countries in the developing world tend to view international restrictions on population as unwarranted interference and, even worse, as a method of perpetuating the superiority of the advanced countries. It is not easy to see that this type of objection along with others similarly directed against outside interference will be abandoned unless a world crisis threatening famine or disease looms. If that should be the case, the time may come when specific international rules will have to be devised backed by negative restraints (cutting off aid, for example) or positive sanctions such as subsidies.

Related matters bearing on population control might also require the development of legal regulation. One example concerns migration and mobility. If a man from Mars viewed the population of the globe, he would almost surely find it not excessive but unevenly and even badly distributed. Over a period of time, the movement of peoples has been the common response to overcrowded population centers, and that has continued to be the case for some areas and some groups. But today for reasons which are clear enough, migration on a large scale is generally discouraged and strictly controlled by the national countries which receive migrants. As in the case of population control, the international community has provided assistance but has done little to develop norms or regulations for the movement of peoples. But in this respect, too, we may have the beginnings of a process of germination that will eventually lead to a normative structure for international migration. One might even venture to say that if the more gloomy prognostications about the effects of exponential growth come about, or appear to be likely, the world system might have to adopt an interna-

tional right of eminent domain to meet the pressing claims of areas with excessive concentration of population. This may seem mind boggling today, but that may be even more reason to give thought to the problem.

V

The problem of limiting material growth—specifically, industrial capital—is probably the most complex and difficult issue facing the world community. That issue centers on the gap between rich and poor—a gap both within national societies (even the most affluent of them) and within the international society. Reducing that gap—or to put it somewhat differently, eradicating poverty—may well be the key condition for achieving a world system of balanced growth. That is the case, because, for one thing, we cannot expect to achieve the requisite global decisions without the support of the poor countries which make up the great majority of the international community. Of course, there is the possibility that the industrial countries will on their own decide to cut down on capital growth for the reasons we have already mentioned. But that seems to me unlikely unless that kind of reduction coincides with measures to reduce substantially the poverty within those countries and outside of them. I say this—though it is by no means a certainty—because I believe that the affluent societies will not today take positions which ignore the pressing claims of the underprivileged. This rests not so much on an assumption of the efficacy of moral and humanitarian considerations as on an assessment of political forces and how governments will determine their national interests.

We must not forget in this connection the fact that growth—and in particular the growth of industrial capital—has been the most important and perhaps indispensable way to reduce poverty. Those who are already prosperous are sometimes quite ready to deplore materialism, to talk about giving up possessions and eliminating unsightly industry. But for the poor of the world who need to sell their raw materials and develop their economies, the industry of the developed countries remains essential. There is also the significant fact that our experience shows that a reduction in the rate of population growth seems to be dependent on an increase in the standard of living. Thus a precipitate decline in capital growth may also counteract efforts to stabilize population. Quite clearly the interlocking puzzle of industrial

growth, population increases, and unequal distribution is a formidable problem to which no easy or obvious solution exists.

But what seems clearly predictable is that the pressures for eradication of poverty (or for redistribution) will continue and probably be intensified in the international system. The perils of growth, the threats to the environment, the excessive concentration of population, the reduction of arable land—all of these factors will only magnify the present demands for a more balanced distribution of the world's wealth. As a consequence, we can expect to see new developments in international legal processes.

To begin with the most general and abstract point, we shall in all probability see that the articulation of demands for redistribution will generate an acceptance of specific responsibility by the more affluent countries to provide for capital assistance and preferential treatment toward the less developed areas. There may prove to be only a thin line between such acknowledgment of responsibility and a recognition of legal obligations, in one form or another.⁵

Under the cover of that trend, we can also expect a variety of specific measures of a legal character—addressed to the needs of the low-income countries.⁶ Some of these are foreshadowed by the proposals which come up in UNCTAD (the U.N. Conference on Trade and Development) for preferences in trade, for stabilization of primary commodity prices (through international treaty arrangements), for new mechanisms to facilitate the transfer of technology to the developing countries, for changes in the existing legal system relating to shipping and to international trade law.

Another new legal area is likely to develop concerning the rights of the developing countries to receive valuable access to technical data acquired by the more affluent, especially in regard to the conditions in their own (i.e. the developing) countries and perhaps also in the areas such as the sea-bed which are beyond national jurisdiction. The rapid progress of the earth resource satellites, for example, presents questions as to the rights of the countries surveyed to the information obtained, and as to restrictions on use of such data by other countries.

⁵ See O. Schachter, *Toward a Theory of International Obligation*, in *The Effectiveness of International Decisions* (Schwebel ed. 1971).

⁶ For useful overview, see R. Gardner, *In Pursuit of World Order* 105-210 (1964).

This particular set of problems may also be seen as part of a larger set of international problems involving the acquisition, transmission and use of information, especially scientific and technological data. We are only at the threshold of the new domains that are being established as a result of the "knowledge revolution" brought about by the new technologies based on the computer, on advances in communications, in fabricating materials, in educational methods, and probably much more. These developments strongly indicate that the principal means for raising the standard of living in both advanced and poorer countries will be related to knowledge and information. We must expect that a number of conflict situations will arise in this realm. Even research in pure science that may appear to be wholly "academic" will increasingly be perceived as of highly practical value and therefore possibly politically sensitive. Once again we already discern the early stages of this not only in regard to earth resource satellites but also in an intensification of pressures and claims by developing countries to control oceanographic research in adjacent waters. Unexpectedly, this has become an area of controversy in the present stage of preparing a revised set of treaties on the law of the sea.

Still another controversial area relating to the use and transmission of knowledge concerns the transfer of know-how and industrial property. The developing countries of the world have for a long time been pressing for improved arrangements for making the new technologies available to them without undue restrictions imposed by patents or agreements of a cartel character. Many of them are also desirous of avoiding a situation in which foreign enterprises are able to restrict local production or use of imported technology. At the same time it is evident that a great deal of technology can be efficiently imported by the poorer countries through the activities of foreign enterprises including the so-called multinational corporation. It is likely that there will be continued efforts to build up—through practice and treaties—a code of fair practices which will lay down mutual responsibilities of the foreign enterprises and the national governments.⁷ An attempt in that direction was made about 25 years ago in the abortive Havana Charter for an International Trade Organization and since then occasional efforts were made to resuscitate the idea. The present concerns

⁷ R. Vernon, *Sovereignty at Bay* (1971); S. E. Rolfe and W. Damon, *The Multinational Corporation in the World Economy* (1970).

about the role of the multinational corporation and the pressures of the developing countries may mean that the ground is becoming fertile for a further attempt which would place emphasis on the needs of the developing countries for technical know-how.

VI

The problems of growth and management of the world's resources require more than declarations and agreements. They need institutions to perform the various tasks already mentioned: data-gathering, analysis and planning (the "intelligence" function), the consideration of policies and action to meet needs, the formulation and promulgation of general norms and standards, the day-to-day application of those prescriptions, management and coordination of actions, measures to bring about compliance, the overall function of evaluation and still others. Even though we now have many international bodies, and some will think we have far too many, the odds are strongly that they will continue to increase—and like almost everything else at an exponential rate. Along with the proliferation of private multinational companies, we are likely to witness an expanding number of public international organizations. Many of these public international entities will have to be different in their form and structure from the familiar international organizations which are largely based on the model of the diplomatic conference. For example, those new institutions which will have to cope with the management of resources regarded as common property (e.g., the sea-bed) will have to be structured much more like an operating business firm than the U.N. Security Council. Form, in short, will have to follow function. One might also have to conceive of innovations in order to give a proper place to the scientist and engineer whose expertise would be essential but who should not be the final arbiters of policy and values. For we need to guard ourselves against the danger that scientists will put forward propositions that implicitly contain value judgments as if those propositions were specific verifiable scientific facts. On the other hand, there is the danger that political representatives will unwittingly act on dubious scientific assumptions without adequate means of checking them. These are of course risks that exist in national life and for which we have not as yet worked out completely satisfactory arrangements. On the international level, we are still in a highly experimental stage of developing structures and procedures which will facilitate the

kind of interchange between the scientists and policy-makers that is essential to proper decision making in technological, resource and environmental matters. It may well be that the special skills of the lawyer in devising procedures for policy making will contribute to achieving the proper "mix" of scientific expertise and political judgment in international institutions.

The emerging network of international institutions will almost certainly include an increased number of regional bodies based on functionally significant areas and participants. Their prototypes exist today in some of the multinational river development organizations and in the commissions based on areas or species which provide some degree of regulation for fishing on the high seas. We see the beginnings of such regional functional groups for eco-systems such as the Arctic region and Mediterranean basin. On a more functional basis, there are proposals for a series of new monitoring networks and mechanisms to assess risks and fix primary protection standards.

The luxuriant growth of new machinery will no doubt strain national governments and impose complications on existing international machinery. Institutional pluralism will make coordination and rationalization more difficult and the results might well be still more machinery and more bureaucracy. Yet this can be viewed not only as a difficulty but as a challenge in developing the constitutional order of the world system.⁸ To some degree, it would be desirable to place the many and diverse bodies within the existing structure of global organizations or at the least into effective working relationships. We need to devise mechanisms which are more effective than quasi-parliamentary procedures to express the global interest vis-à-vis the narrower regional or functional organs. We would, for example, wish to have some assurance that rights of non-members would be given due consideration in special interest bodies and that there is adequate coordination of effort. I do not believe that the pluralistic growth of multinational bodies will weaken the United Nations. On the contrary I envisage the U.N. as resting more firmly on the underpinnings of the many and diverse multinational instrumentalities that are needed to serve states mutually dependent on each other. As I have said on another occasion: "I see the

⁸ A. Szalai, *The Future of International Organization*, 10 Soc. Sci. Inf. 151-71.

United Nations strengthened because these new instrumentalities would more adequately meet the legitimate demands of states directly concerned and for that reason they would reduce the sense of dependency and impotence on which isolationism feeds. It would be my hope the global organs of the United Nations might then serve to harmonize the diverse instrumentalities; the United Nations would act as the conductor of the orchestra leaving it to others to be violinists, tuba players and drummers.”⁹

VII

My expectation that the multinational institutions will proliferate does not mean I expect the national state to wither away.

On the contrary, I find today and expect to find in the future an intensification of the desire for national independence and sovereignty. We must remember the pressures of our day—the demands for equality and social justice, for greater economic security, for a sense of belonging and participation center on the nation state. We see that the revolutionists (who fifty years ago were internationalists) rally today to the banner of sovereignty and demand an extension of national authority. That is also true of reform movements in both the underdeveloped and advanced countries. What from one standpoint is interdependence can be perceived by weaker states as dependence on a foreign power and as a limitation on their independence. We do not have to look very far to the north or to the south for examples. Thus paradoxically the objective factors that bind us all together and make us dependent on each other can in some circumstances intensify nationalism. In the realm of international law this may mean that within the next decade there will continue to be demands of the smaller and weaker nations for an extension or strengthening of national sovereignty. As in the case of the law of the sea, I would expect many of these pressures to result in widening the domain of national authority and at the same time lead to new arrangements for international regulation in which all states participate on a more equal basis than in the past.

To complicate the situation further, we need to consider not only the multinational and the national levels but also the “subnational”

⁹ O. Schachter, *The Future of the United Nations*, 1970 Proc. Am. Soc. Int'l. L., 64 Am. J. Int. L. 284.

communities that emerge from time to time on the international plane. The ethnic, racial and religious minorities (or in some cases majorities) have increasingly demanded international attention. We can easily think of any number of recent cases—Cyprus, Nigeria, Pakistan, Northern Ireland—in which group violence has flared and has produced tension outside of the country itself, leading in many cases to external intervention and the risk of international war. It seems likely to me that group identification—whether ethnic, linguistic or territorial—will grow stronger under the pressures of population and capital growth. The threat of economic and social deprivation, the concentration of population, the desire for participation seem likely to intensify many sub-national loyalties and consequential demands for autonomy within the national state. There is a distinct possibility that regimes for protection of minorities (not uncommon after the first World War but then thought to have been superseded) will be revived as a significant part of the international law of human rights.

Thus we see that in diverse and sometimes contradictory ways, the body of international law is rapidly moving in new directions. Whether or not we accept the most gloomy prognostications of those who fear material growth, we cannot deny that tensions and conflicts are likely to be intensified and that international norms and procedures will have to be developed in response. We can expect a more uncertain, untidy, more confusing international legal system. For the coming generation of international lawyers the challenge will be great and the results—we all hope—will be more rewarding than ever before.