

## NOTES AND COMMENTS

### CORRESPONDENCE

The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters should be published and to edit any letters printed. Letters should conform to the same format requirements as other manuscripts.

#### TO THE EDITOR IN CHIEF:

I write to disagree, in part, with Michael Reisman's Editorial Comment, *International Law after the Cold War* (84 AJIL 859 (1990)). In focusing on post-Cold War international law, Professor Reisman admirably sought to emphasize that the international political community is "at the threshold of a time of hope" and that the "challenge to international lawyers and scholars must be to clarify continuously the common interests of this ever-changing community" (p. 866). Yet little of that hope or change is reflected in his interpretation of the causes (and, to an extent, the consequences) of the Cold War, the scope and nature of human rights norms, the meaning of security as envisioned by the United Nations, the limits imposed on the institutional reach of economic decision making, the distribution of scarce material resources, and the relationship of power to law.

As for the causes and consequences of the Cold War, the geo-strategic confrontation that Marxism posed to capitalism could not have developed were it not for the egregious social and economic privation of most of those who found communism a promising alternative to the liberal capitalist order. If there is to be a true post-Cold War international legal order, attention must be given to those who are deprived today, especially to the hopes and frustrations that define them.

In addition, Reisman treated the human rights suppressed and deformed by the Cold War as they were seen then, limiting their reach to the civil and political category and leaving out economic, social and cultural rights altogether. More important, rather than being an important supplement to the traditional body of international law, the emerging human rights regime constitutes a fundamental challenge to it and must be understood as such in post-Cold War international law.

Under the UN Charter, the security function of the United Nations was never limited to military considerations or to the role of the Security Council but, rather, encompassed the view that tending to issues of economic, social and cultural privation is as important to security as military force. As this broader conception of security is restored to public debate, post-Cold War international legal scholarship should reflect it.

One of the realities that international law should also reflect is the growing economic interdependence of states; it should help define that interdependence so that economic decision making for the global community is not done by so small and regionally limited a body as the so-called G-7. The Cold War was won by the West largely because people rebelled against unrepresentative socioeconomic and political institutions.

Post-Cold War international economic decision making could be improved by modifying the structure and function of the Economic and Social Council. Its membership could be decreased (to twenty-five to thirty) and representatives to it could have the power and authority equivalent to that of a minister of economic

affairs. This UN organ could then help to coordinate economic decisions expressive of international interdependence and global security.

If during the Cold War many parts of the Third World were given aid on account of expediency, there is no reason for that aid to be shifted now to Eastern and Central Europe. The commitment to human dignity, one of the ends to be pursued by the international community according to the UN Charter, requires reverence and respect for those who have the least in actual achievements or power and therefore counsels against such a shift. I know Reisman's focus on that change is merely a statement of what is likely to take place, but a view of international relations that is less descriptive and more prescriptive would perhaps have urged a modified tone.

WINSTON E. LANGLEY\*

#### TO THE EDITOR IN CHIEF:

A growing wave of global problems threatens the existence of human civilization. Although this danger can only be averted by intensifying the cooperative efforts of states, the international community, as currently organized, cannot meet the growing needs. Higher levels of cooperation and organization are required.

The necessary conditions for enhancing international cooperation may seem to have been created by the termination of the "Cold War," success in the sphere of disarmament and confidence building, and the restructuring of relations between states on the basis of international law. On the other hand, recent developments in the Persian Gulf have shown that the danger of acts of aggression that threaten the whole world has not yet been eliminated. This continuing danger once again demonstrates that the international community must take drastic and decisive measures against aggression wherever it occurs.

In this respect I cannot but express my admiration for the selfless attitude of the American people regarding Iraq's aggression in the gulf and the personal courage of President George Bush. Regardless of the outcome in the gulf, potential aggressors will now have to consider that their crimes will face a strong reaction from the international community.

At the same time, the developments in the gulf have shown that the unity and organization of the international community in the face of a common threat are inadequate, which makes it all the more evident that new, extraordinary steps should be taken toward securing a peaceful legal order on a global scale.

Under the existing international system, sufficiently radical decisions cannot be made. Since the decision-making power is practically in the hands of executive officials, parliamentary representatives are inevitably drawn into solving crucial problems. The logical expedient would be to establish a parliamentary assembly within the framework of the United Nations, but revising the UN Charter could take a long time.

Convocation of a world parliamentary congress in the second half of the coming decade could be the first step toward such a goal. This congress would be charged with defining the global legal order of the twenty-first century.

History demonstrates that a reliable legal order is a necessary condition for the normal functioning of national, as well as international, society. Lawyers thus bear great responsibility for working out the fundamentals of the future international legal order and ways to achieve it. They could set the process in motion by con-

\* Professor of Political Science, University of Massachusetts-Boston.