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INTRODUCTION

The organizers of the Annual Meeting from which the 1995 *Proceedings* emerged planned it around the concept of "Structures of World Order." This unifying theme places the session squarely within the stream of inquiry and debate that has flowed so copiously for at least a half-dozen years, since the onset of the radical transformation in Eastern Europe and the Soviet Union and the eventual collapse of communism throughout the area. Those events made clear that fundamental features of the existing post-War order were rapidly disappearing, with wide-ranging consequences, but produced only questions and uncertainties as to what would or should emerge to replace them. Meanwhile these questions have become rapidly moving targets: events have often outrun the ability of officials and everyone to make intellectual sense of the changes underway, let alone effectively control or guide them.

One result is that a well-informed discussion of *structures of world order* in 1995 is likely to be quite different in scope and content from such a discussion in 1989 or 1990, even where basic issues remain the same. The 1995 *Proceedings* reflect that fact. For example, many of the changes set forth in this volume reach beyond matters of "structure" in the narrow sense of international constitutional or other legal undertakings among states—a paradigm case being the issue of the future of the peace-maintenance mechanisms embodied in the UN Charter and certain regional arrangements. While not overlooking such matters, the 1995 *Proceedings* also deal equally with the political, economic and other social conditions within national societies, and the interlocking relationships between national and international systems, which increasingly must be treated as integral parts of any working international arrangement and thus of the "world order" itself. From the outset the Annual Meeting plunged into discussions of issues of international financing and related matters of privatization and state-owned enterprises, issues in international securities, and "Capitalism in Transition." These concern matters of great significance for the efforts of aspiring nations to develop viable market economies and for the operation of an increasingly globalized international economic system. They bear importantly on the nature and future prospects of the evolving world order.

Matters of structure in the narrower, law-based sense were of course not neglected in this gathering of the devotees of international law. Four of the panels—dealing respectively with East Asia, Africa, the Americas and Europe, and a fifth intended to draw conclusions and comparisons from the four—were designed to deal straightforwardly with questions of institutional development at the regional level. (These appear as a separate section of the *Proceedings*.) And many other panels took treaties or other sources of legal obligation, or international organizations, as their point of departure. The panel, "UN Peacekeeping: An Early Reckoning of the Second Generation," provides cogent expositions of the evolution of doctrine and practice respecting UN peace-maintenance activities over the last five years or so, as well as U.S. policy in that regard. Another panel explores the nexus between international organizations and national law, often a critical dimension of their effective operation (UN-authorized military operations are an important case in point). Another panel deals with the entry into force of the revised UN Convention on the Law of the Sea, even as the United Nations works to cure the evident inadequacies remaining after the Law of the Sea negotiation in respect of rational management of ocean fisheries.

In the same vein, several panels are concerned with *implementation* of legally obligatory international standards. Two panels deal with environmental standards and human rights standards, respectively, while another is concerned with one type of implementation mechanism: international criminal courts, whether ad hoc (as with the courts presently in operation) or a permanent standing institution to be established by treaty. Another panel, under

the rubric of “Theoretical Perspectives on International Institutions,” contains discussion on assessing the effectiveness of international adjudication, and the issue of judicial review of Security Council decisions by the International Court of Justice. And this year’s addition to a series of valuable annual updates on GATT and WTO matters is largely concerned with emerging problems relating to implementation in the World Trade Organization through its dispute-settlement mechanism.

Of a different order is “The Breakdown of Weapons Control Regimes?”—which grapples with the array of unilateral and collective control efforts directed toward the post-Cold War global arms trade in the obvious absence of any single over-arching legal regime or institution. “When the Quest for Cultural Objects Divides North From South” deals with a very different and much less complex set of international problems, which are, nevertheless, analogous from the point of view of devising effective additional control mechanisms.

Aspiring architects (or, less ambitiously, observers) of the structures of world order must take into account the various important elements of that order that lie mainly outside any formal legal or institutional arrangements on the international plane, and the 1995 *Proceedings* do so. One panel explores the nature and “Growing Role of Nongovernmental Organizations” (the term is ordinarily used to refer to organizations that are *both* nongovernmental *and* dedicated to pursuit of a worthy public purpose—hence noncommercial). The interlocking relationships between national and international systems mentioned earlier manifest themselves in diverse ways in a number of panels dealing with quite disparate subjects. The enforcement of international criminal law is heavily dependent on national legal mechanisms, even where there are functioning international criminal tribunals such as those now in operation. The general relationship between international organizations and national law has already been noted. In a number of the mainly economic topics discussed (international financing and global financial markets, securities, trade and competition policy), the role of national regulatory systems, and the frequent need for cooperation and/or substantive accommodation among such systems or between a national system and a treaty regime, is a persistent agenda item.

The effort in the 1995 *Proceedings* to elucidate the *structures of world order* may well have left gaps. For example, the question of stable political and security relationships among North America, Europe in some expanded form, Russia and Japan, would have warranted greater attention. In sum, if this grand not to say grandiose, title is to be taken seriously—as it should be—the structures of world order turn out to be a surprisingly motley collection. And they have been substantially and usefully illuminated by the contributors to this volume.

JOHN LAWRENCE HARGROVE
Editor
October 1995

PROCEEDINGS OF THE EIGHTY-NINTH ANNUAL MEETING
OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

STRUCTURES OF WORLD ORDER

CO-CHAIRS OF THE COMMITTEE
ON THE ANNUAL MEETING
Lori Fisler Damrosch
Richard A. Johnson

EDITOR OF THE PROCEEDINGS
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ASSISTANT EDITOR
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