

THE RULE OF LAW IN INTERNATIONAL RELATIONS

On September 1, 1961, in an address to the Forty-Third Annual Meeting of the Canadian Bar Association, the Right Honourable John G. Diefenbaker, Prime Minister of Canada, made the following statement:

The challenge today to the Bar Associations throughout the free world is to endeavour to bring about the rule of law internationally, for the rule of law is always on the side of freedom. Its absence is a prelude of tyranny. Ovid used these words: "*Inde datae leges ne firmiora posset . . .*" "Laws are made that the stronger may not at all times prevail."

Edmond Burke, the fearless proponent of democratic government, echoed similar sentiments centuries later when he said: "Law and arbitrary power are in eternal enmity."

There are cynics who agree with Alfred Zimmern's dictum that international law is the diplomatic cloak to be worn at will. Lawyers realize that history teaches that the true expression of legal experience is that the framework of freedom and security is firmly laid nationally when law operates to tame power and maintain justice. We might realize this, that if we could apply the rule of law today to the problems we have to face, we would have little to fear. This problem of Berlin could be submitted to the International Court of Justice; our cause legally and morally is right.¹

On October 25, 1962 the Right Honourable John G. Diefenbaker, Prime Minister of Canada, made the following statement in the House of Commons during the course of the debate on the United States "quarantine" of Cuban shipping:

There is a debate going on throughout the world regarding the legality of the quarantine measures which the United States has imposed. To my mind such arguments are largely sterile and irrelevant. We have a situation to face. Legalistic arguments, whatever they may be, cannot erase the fact that the Soviet Union has posed a new and immediate threat to the security, not only of the United States, but of Canada as well.²

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1. (1961) 44 *Proceedings of the Canadian Bar Association* 179-80.

2. *Debates of the House of Commons*, Vol. 107, p. 913.