

Contributions of Professor Louis B. Sohn

* *Professor Sohn's life's mission* has been to promote the creation of *new and better dispute-resolution mechanisms* that aggrieved parties can utilize:

* *to protect their rights, and*

* *seek compensation for their losses.*

Contributions of Professor Louis B. Sohn

* Unrelenting efforts to confirm that *international law is a real and enforceable body of sound legal principles.*

* Worked to construct *effective international organizations* and *reliable permanent dispute-resolution mechanisms* so that the rights protected by international law become predictable and binding, those who violate international norms are punished, and those who are injured receive compensation.

* Always *recoiled at the view that international law is only a relativistic balancing of policy preferences*, malleable to suit the short-term needs of nations.

* *International law* is a legal system like any other body of law – *a set of binding rules designed to guide conduct and resolve controversies.*

Contributions of Professor Louis B. Sohn

* Knows all the nuances of all *the decisions of the International Court of Justice* and other international tribunals, and quotes the principles and holdings found in these opinions as *authoritative sources*, applicable and binding to other nations in comparable contexts.

* Has helped the rest of us understand the importance of *the negotiating process at multilateral diplomatic conferences* in *accelerating the production of customary international law norms*, as well as the significance of the texts developed at these conferences, even if not widely ratified, in providing authoritative evidence of the existence of binding customary principles, each “add[ing] a brick to the edifice of international law.”

Contributions of Professor Louis B. Sohn

1970 -- elaborate provisions for a special tribunal of the proposed International Sea-Bed Resources Authority in the *U.S. 1970 Draft Convention on the International Sea-Bed Area*

1973 session of the U.N. Seabed Committee -- the United States submitted a document containing *draft articles* on the settlement of disputes

1974 -- about 30 nations (including the United States) met as an informal working group and then presented a *working paper* to the Conference that “set out various possible alternatives, together with notes indicating relevant precedents.”

1975 – *Informal Single Negotiating Text*

1976 – *Grand Debate – Revised Single Negotiating Text*

INTERNATIONAL NAVIGATION: INTERESTS AND NATIONAL SECURITY

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This paper is based on the assumption that the rules of international navigation and closely related matters embodied in the United Nations Convention on the Law of the Sea confirm existing maritime practice and fairly balance the interests of all nations.¹ The International Court of Justice, if it were to come out, it could not ignore the Convention, "if it is the conclusion that the convention is binding upon the international community, it embodies or crystallizes an emergent rule of customary international law."

The long negotiations have resulted in the achievement of a

balance of navigational provisions and related issues established a balance between the interests of the coastal states and those of the traditional users of the oceans. That balance is reflected in particular provisions relating to the sea lanes of communications (SLOCs) for international maritime traffic has at its beginning and terminal points open to international navigation. Such traffic has to pass through the territorial seas and the exclusive economic zones of coastal states through international straits and archipelagic sea lanes, and areas of the high seas. In each of these spaces, the interests of coastal states and those of the ocean-going ships differ, and their differences cannot always be avoided. International maritime law has developed rules to mitigate and resolve such conflicts. A rule of thumb is that the closer a ship comes to land, the stronger is the control of the coastal state. Other principles or rules are set forth in Article 59 of the United Nations Law of the Sea Convention and in other relevant documents.³

Security Interests

It is necessary to consider two kinds of security interests: those of the coastal state, and those of the flag state. The coastal state is interested primarily in ensuring that foreign warships, aircraft, and submarines (and perhaps missiles) do not threaten its national security. The origin of the territorial sea breadth of three miles is due to a large extent to the undesirability of foreign powers