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## The Emerging Moral Framework of International Law

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# The Emerging Moral Framework of International Law

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## **Abstract**

This article explores the idea that, at the time of publication, despite several centuries of development, there was no settled conception of international law, whether there was “international law” and if there was, what were its essential characteristics. The author starts with the assertion that international law resembles a municipal legal system, insofar as its subjects are bound, by external sanctions, to its right-creating and power-conferring principles. A State will, in a well-ordered international community, be shaped and guided in its acts and judgments by an internal sense of right and justice; just as the punishment of a child will hopefully give way, in time, to his own mature self-moderation. The author then argues that the orderly scheme of international security and justice unfortunately breaks down under scrutiny, as certain essential characteristics of its municipal analogue are found to be lacking and identifies three particularly prominent problems: first, the effectiveness of war and reprisals as legal sanctions depends on the ability of the wronged State, or of committed allies, to wage sanctions; second, war and limited aggression have become too dangerous, in the light of technological advances, to continue as viable sanctions; third, the State, against which military force is directed, consists at bottom of individuals innocent, if not incognizant, of international offense. The author ultimately concludes that the state of international law rests somewhere between a primitive and an advanced form, both on the structural and moral levels.

## THE EMERGING MORAL FRAMEWORK OF INTERNATIONAL LAW

### Problems of Enforcement

At present, despite several centuries of development, there is no settled conception of international law, whether it is in fact "law" and what are its essential characteristics. Though the two are often confused, international law must be distinguished from its sources--e.g., treaties, custom, judicial precedent, general principles of law and equity<sup>1</sup>--which may or may not be binding in themselves. Consent between particular parties, habitual behavior or municipal rules that bind individuals can in no sense bind all States in their interrelations, without something else. The rule of recognition by which these various sources might be raised to the level of law, however, remains undetermined.

Furthermore, there exists no international legislature, no compulsory judiciary (States must consent to be sued), and no central organ to administer sanctions. Consequently, legal theorists, frustrated in their search for some version of Hobbes' sovereign,<sup>2</sup> have hesitated to ascribe the character "law" to international law. Indeed, Austin's seminal analysis rests on the premise that law must

derive ultimately from one who issues commands and can compel compliance therewith--that is "the key to the science of jurisprudence and morals".<sup>3</sup> As Brierly points out, however, this demand for a sovereign cannot, without distortion, account for the development of non-statutory modern municipal law, for example, the English Common Law, and so should not prejudice our views of international law.<sup>4</sup> That settled principles of international relations are accepted as binding upon all members of the international community must suffice in characterizing international law as, indeed, "legal,"<sup>5</sup> regardless of the sovereign's absence.

Although it has been suggested that international law is founded on moral obligation,<sup>6</sup> legal obligation must involve something more, insofar as it binds its subjects. What contravenes notions of moral right, such as the classical tolerance of unjust war, may be nevertheless legally permissible in international law; yet the legal and moral systems may converge in other areas. One example of this are the laws respecting prisoners of war. Where they converge, however, there emerges a qualitative difference in their various methods of enforcing their principles. As noted publicist Hans Kelsen explains,

a difference between law and morals cannot be found in what the two social orders command or prohibit, but only in how they command or prohibit a certain behavior. The fundamental difference between law and morals is: law is a coercive order, . . . whereas morals is a social order without sanctions.<sup>7</sup>

Ideally, a State will restrain itself through a Kantian apprehension of natural duty, rather than through Machiavellian power considerations of existing sanctions (e.g., war, reprisals). Until violence is effectively outlawed in the international sphere, however, Kant alone cannot practically govern. And should States, recognizing their communal interests, assume a moral duty to restrain themselves, external sanctions would still be necessary to remedy what Rawls terms the "assurance problem"<sup>8</sup> as well as to sustain the "legal" character of duty. I will therefore begin with the premise that, for international law to fulfill its function of maintaining order, a system of sanctions, imposing legal (and not merely moral) obligation is essential (though perhaps merely collateral regarding other functions such as the encouragement of economic cooperation).

#### Enforcement by Decentralized Sanctions

International law resembles a municipal legal system, insofar as its subjects are bound, by external sanctions, to its right-creating and power-conferring principles. It also resembles a moral system, in that it posits norms while unable to enforce them effectively through any central organ. In form, international law thus falls somewhere between municipal law and morality. Emphasizing its resemblance to the former, Kelsen develops the notion of decentralized sanctions in international law. As will be explained later, however,

the particular sanctions which he identified have grown increasingly inappropriate, if not immoral, in the present context.

Kelsen defines international law as "a complex of norms regulating the mutual behavior of states,"<sup>9</sup> thus giving prominence to its prescriptive aspect. It has been suggested elsewhere that international law is merely what lawyers say it is.<sup>10</sup> Rather, it is a body of morally-grounded principles which, though perhaps abused by lawyers, diplomats, and politicians, nevertheless stands in critical relation to the actual conduct of States. These morally-grounded principles include the basic principles of fundamental equality among States irrespective of arbitrary contingencies of historical fate, and the consequent principles of self-determination without foreign intervention, of self-defense against attack, and of pacta sunt servanda (assuming the treaties comply with the other norms that govern States' relations). Thus, although the actual conduct of States may not comply with these principles, international law remains essentially normative, not descriptive.

Mere recognition of these norms is insufficient, however, as they must be, in some sense, binding upon their subjects. Kelsen's notion that "law is the primary norm which stipulates the sanction"<sup>11</sup> identifies the

sanction as the bridge between mere legal norms and rules of law. Although the effectiveness of a legal system should be judged according to its subjects' conduct rather than the degree of enforcement power behind its sanctions, international law has not--until recently perhaps--reached a point where States might restrain themselves for moral and humanitarian reasons rather than from coercion. Thus, while external sanctions may characterize international law at the present juncture, regulating States' behavior through deliberative power considerations, including their extreme coercive power: war, the moral aspect of States' self limitation should also be recognized. To some extent, persuasion is increasingly effect by regard to moral right, irrespective of convenience or profit.

The Hobbesian conception of law as orders backed up by threats --appropriated in part by Kelsen--should thus be tempered with some feeling of justice that it be, in some sense, right and fair to enforce these orders. This is so especially in the sui generis international sphere, where the political-economic consequences are uniquely far-reaching and where, until recently, no central organ existed to coordinate relations equitably. Indeed, it is the moral indifference of the specific physical sanctions that characterize international law, particularly war and reprisals, which has undermined their utilitarian as well as moral value and mandated current structural changes in the international legal system.

As mentioned earlier, a State will, in a well-ordered international community, be shaped and guided in its acts and judgments by

an internal sense of right and justice; just as the punishment of a child will hopefully give way, in time, to his own mature self-moderation. Unfortunately, contemporary politics has not yet fully crossed the threshold to maturity. To a great extent, it remains engulfed in a battle of egoistic States pursuing their selfish desires--power rather than justice serving as arbiter. Former Secretary of State Henry Kissinger adheres to the amoral view of international law as a tool to be used and stretched by the powerful party where convenient, and discarded if not amenable to such use. Thus can he claim that "a power can survive only if it is willing to fight for its interpretation of justice and its conception of vital interests," and also suggests that the use of military force might be an appropriate counter-measure against an Arab oil embargo, albeit a flagrant violation of present international law.<sup>12</sup> Thrasymachian justice, defined by the interests of the stronger, continues to prevail.

Dismissing the notion of internal sanctions as meta-legal, if not unreal, Kelsen requires as an essential character of international law, if it is to be called "law," that it be "a coercive order, that is to say, a set of norms regulating human behavior by attaching certain coercive acts (sanctions) as consequences to certain facts, as delicts, determined by this order as conditions."<sup>13</sup> While obviating Austin's problem of the absent sovereign, Kelsen yet embraces the very doctrine that transported Austin in search of the elusive fiction--the doctrine that physical sanctions, while accidental to such other forms of social control as religious or moral systems, are essential to a system if it



is to be termed "legal."<sup>14</sup> Hart also makes this distinction between legal and moral rules, that is between rules that are enforced through the threat and use of physical sanctions<sup>15</sup> and those that are enforced through moral pressure, "respect for the rules, as things important in themselves."<sup>16</sup>

Kelsen identifies the specific sanctions of international law as war and reprisals.<sup>17</sup> Under normal circumstances, however, war and reprisals are delicts prohibited by international law.<sup>18</sup> Thus, the same naked act of aggression--isolated from any legitimizing background--may be either a delict or a sanction: a moral judgement is compelled, in order to determine if the belligerent act is or is not morally justified.

Grotius' principle of bellum iustum has lain dormant during much of the modern epoch, being only recently revived. Before World War I, each national State had the legal right to wage war for whatever reason it deemed right. The peace treaties concluding World War I, including the Covenant of the League of Nations, rejected this amoral endorsement of war. Conversely to such endorsement of war, the wholesale rejection of war is also amoral, in that it shirks the responsibility of morally evaluating specific acts of aggression that may be justified. These twentieth century agreements have revived the Grotian distinction between just and unjust war--based on Natural Law--and made it a part of the positive international law. Thus, war and reprisals represent for Kelsen the sanctions that maintain international stability, the particular States serving as executive arms of

international law.

This orderly scheme of international security and justice unfortunately breaks down under scrutiny, as certain essential characteristics of its municipal analogue are found to be lacking. Three problems are particularly prominent. First, the effectiveness of war and reprisals as legal sanctions depends on the ability of the wronged State, or of committed allies,<sup>19</sup> to wage these sanctions. The extent of such ability, as well as of the aggressor State's ability to resist, are wholly arbitrary from a moral point of view.

Second, war and limited aggression have become too dangerous, in the light of technological advances, to continue as viable sanctions. In the wake of a laissez faire attitude, the international community's interest in security must now override the individual States' interests in advancing national policy or vindicating any perceived wrongs, especially as the means contain the potential for world devastation. Ironically, the emergence of this problem mitigates to some extent the first problem concerning arbitrary disparities in size and military strength, insofar as the increasing proliferation of nuclear weaponry tends to equalize immediately the holders' and their allies' power. As approximate equality is thus achieved--or at least threatened--these disparities that once determined martial victory and political sway become trivial, and a more effective system of organized sanctions becomes possible.<sup>20</sup>

Third, the State, against which military force is directed, consists at bottom of individuals innocent, if not incognizant, of

international offense. Yet, it is they who suffer the pains and deprivations attendant on war, while the responsible individuals or corporate bodies often endure unscathed. Justice ultimately demands that the law look behind the impersonal fiction of the State and attach its sanctions directly to the responsible parties. Furthermore, as corporations and international organizations as well as individuals, join States as the subjects of international law, war as a legal sanction becomes increasingly inappropriate.

#### The Emerging Character of International Law

Both moral and utilitarian considerations thus demand the resolution of these discrepancies between theory and social reality and strain the international legal structure as depicted by Kelsen. The relatively recent evolution of new forms by moral and utilitarian mandate brings international law closer to a just and efficient ordering of relations between international entities: specifically, through (1) the development of a centralized organ to administer the law, (2) the resort to pacific settlement of disputes, and (3) the characterization of individuals and corporations as subjects of international law. These changes constitute respective responses to the three challenges identified above as undermining the Kelsenian structure.

The phase of international law in which national States alone determine its content and are its sole subjects, and in which war is their primary instrument, is thus superceded, as States and war have become obsolete for many purposes. Once regarded as essential, these

institutions become merely accidental qualities of international law. Whether its subjects are bound by means of external sanctions or an emerging sense of duty to obey and submit to pacific settlement, international law continues its normative function. The norms of international law necessarily adjust as political realities and individuals' evolving sense of justice (made manifest in their institutions) change. The law gradually broadens its prescriptive principles to encompass these changes, not merely to describe them.

Kelsen's description of international law in terms of coercive orders backed by sanctions, as analogous to the criminal law and police institutions of municipal law, loses its vitality as it becomes apparent that fairness and rationality in enforcement depend upon a centralized and impartial organ. Kelsen identifies the national States as the organs of international law. Yet to the extent that a powerful or anarchistic State is granted the discretion to decide whether its belligerent act is delictual or sanctioned, and no higher power can recharacterize that act with binding force,<sup>21</sup> then the pre-World War I blanket endorsement of war at the aggressor's option persists. Kelsen's apparent removal from the political context and indifference to the enforcement agency's self-serving motives, has been criticized:

Slight attempt is made to qualify the significance of these international rules in light of political realities, especially in light of the retention in fact, despite the renunciation in law, of military prerogative by nation-states, both in the sense of the capability to wage war and of the discretion to bring the capability to bear by processes of unilateral decision.<sup>22</sup>

Not only is a particular State's ability to summon the pertinent sanction fortuitous, if Kelsen's scheme is viewed realistically, but

the discretionary power to determine the right so to summon resides in the summoner.

With regard to the emergence of a central organ performing international management functions, the twentieth century has witnessed two noble experiments: the League of Nations and the United Nations. Though perhaps not rising to Falk's call for "the emergence of effective supranational management" of the use and threat of force,<sup>23</sup> they nonetheless represent significant advances toward rationalizing a community of predominantly egoistic sovereigns.

As basic human wants are identified, global communications systems improve, and individuals develop a sense of justice, the fragmented States that are the primary subjects of international law should come to recognize their common concerns and so ultimately dissolve nationalistic separateness. The emergence of effective central organs would thus further these transnational interests as well as equalize, if not sublimate, aggressive forces between States. The League and the U.N. have both, however, been relatively ineffective in the particular function which these civilizing interests presuppose, that is in curbing the threat or use of force by States.

While the Covenant of the League enabled its members to coordinate their actions, the League itself never achieved the level of an independent corporate body, transcendent of its members and capable of its own action. The Council of the League, and now the U.N. General Assembly, might have initiated investigations and made recommendations to its members; but the Security Council created by

the U.N. Charter is of a different order, insofar as it is empowered to bind all the members of the U.N. Article 25 of the Charter provides: "The members of the United Nations agree to accept and carry out the decisions of the Security Council, in accordance with the present Charter." Despite this seeming power to bind, coupled with express enforcement provisions,<sup>24</sup> the Security Council's strength is significantly diminished by the veto power held by the five major powers.<sup>25</sup> Further, the ban of "force against the territorial integrity or political independence of any state"<sup>26</sup> fails to comprehend the more insidious methods of seizing control that characterize the nuclear age, such as meddling with internal regimes, training subversives, and "just" intervention. Both "classical" war and the U.N.'s "monopoly of the lawful use of force"<sup>27</sup> have become obsolete.

The relative ineffectiveness of the U.N. organs, their limited ability to bind rather than merely advise the member States, underscores the continuing state of international politics. Nevertheless, the evolution of the League and the U.N., and the various States' efforts at quasi-legislation through multilateral treaties and conventions have made clear that international life is not as "poor, nasty, brutish, and short" as it once was, but rather appears on the threshold of a constitutionally ordered community. The emergence of these central organs is not so much a cause as an indication of this shift in attitude, from self-interested decision-making based on power considerations to dutiful submission to the just administration of international law.

With regard to the pacific settlement of disputes, both third party adjudication (arbitration or submission to the International Court of Justice) and non-judicial means (negotiation, mediation, conciliation) are now emerging as viable alternatives to war. The Pact of Paris of 1928 declares the illegality of advancing national interests through war.<sup>28</sup> The U.N. obliges its members to settle their international disputes peacefully,<sup>29</sup> through methods which party States are coming to accept as both more efficient and just. As pointed out earlier, however, the U.N. is not sufficiently authoritarian. Even under the Statute of the International Court of Justice, allowing members to consent to compulsory submission under certain circumstances,<sup>30</sup> or under treaties that provide for compulsory submission, the basis of the court's jurisdiction is wholly voluntary.<sup>31</sup> Thus, while indicative of a major advance over the resort to brute force, such procedures can only be tenuous as long as egoistic nationalism subsists. As Brierly points out, as long as these modes of pacific settlement lack sufficient binding force and States are free to refuse subjection to the rule of law, each State stands effectively as a law unto itself.<sup>32</sup> And while proliferation of nuclear weapons might encourage self-restraint, its standing threat is both unduly dangerous and weak. Indeed, it is as weak as the sanction of credit loss held by commercial banks in their debt financing of developing countries. Its effectiveness lapses immediately upon use.

Blockades or the seizure of ships in non-territorial waters,

as well as outright military reprisals, were approved by classical international law, along with war, as matters of course.<sup>33</sup> Severely limited by the Covenant of the League, however, these measures are now prohibited by the U.N. Charter, regardless of the exhaustion of all other remedies.<sup>34</sup> Two major exceptions to this general prohibition are the collective action by the U.N. Security Council to enforce its directives,<sup>35</sup> and the member State's right to self-defense before the U.N. is able to act.<sup>36</sup> These exceptions are far from secure, however, insofar as the Security Council is susceptible to paralysis by veto.<sup>37</sup> Further, the alternative regional agencies<sup>38</sup> may become arms of particular States. Thus the force that the Security Council or the self-defender might ultimately bring to bear is itself an intrinsic threat to peace.

Economic or political measures, the severance of diplomatic relations, the non-recognition of a de facto government, or economic embargoes, while not as materially destructive as war, are nonetheless arbitrary, divisive, and preclusive of mutual cooperation. So, as Quincy Wright proposes

the only solution appears to be the further development of third party adjudication through the extension of jurisdiction of the International Court of Justice or the acceptance in last resort of political arbitration as proposed by the General Act of the Pacific Settlement of International Disputes<sup>39</sup> . . . endorsed by the General Assembly of the U.N. in 1949.<sup>40</sup>

The breakdown of Kelsen's structure, based on the essential sanction, is especially apparent here. The pacific settlement of disputes represents not an evolution to other forms of sanctions, but rather a shift of emphasis from sanctions, whatever the form, to prevention.



With regard to individuals' acquisition of international personality, the reaction to recent incidents of terrorism, as well as the post-World War II trials of war criminals, indicate a tendency to ascribe legal responsibility to individuals (and not just to States) for acts that contravene international law. Such ascription occurs, regardless of the individuals' incidental pursuit of national interests or compliance with municipal laws:

The very essence of the prosecution case is that the laws, the Hitlerian decrees, the Draconic, corrupt, and perverted Nazi judicial system themselves constituted the substance of war crimes against humanity and that participation in the enactment and enforcement of them amounts to complicity in crime.<sup>41</sup>

Thus, rather than a particular State waging war against another State in retribution for the acts of its nationals, an international organization--either permanent or ad hoc, directly or through a regional agency--attaches its sanctions to the responsible party.

This same logic can certainly extend to corporations. As governments assume distributive functions once held solely by private business, and as private business becomes increasingly involved in the economic development of the Third World and the military defense of the industrial world, the private corporation becomes, in effect, an arm of the national state--in some instances, more powerful and potentially dangerous than the States that it serves. American state law is totally ineffective in harnessing this power, as each state vies for the tax support of domestic corporations by minimizing its statutory regulation thereof. While Federal regulation has filled this void to some extent, it cannot effectively guide corporate

activity abroad. Although international law has traditionally refrained from pulling private corporations into its orbit, treating them instead as nationals of particular States, a public international commercial law is beginning to develop.<sup>42</sup>

This latter development, that is the endowment of non-State entities with international personality, represents a significant moral advance from the destruction of innocent individuals who may represent the target State through its army or may merely live within its borders. This in itself is not to deny the justifiability of force for a just cause, so long as the injustice opposed has exceeded a certain point, the responsible parties are targetted, and the force employed is both reasonable under the circumstances and conducive to a just peace.<sup>43</sup> Nevertheless, this change is still in its infant stage, its effects scarcely felt, as merely symbolic wars continue.

### Conclusion

With regard to the type of sanctions imposed, international law has, in the past, resembled municipal law. With regard to its mode of administration, however, international law has more closely resembled customary law or a moral system, where sanctions may consist of "a general diffused hostile or critical reaction,"<sup>44</sup> rather than punishment by an authorized central organ.<sup>45</sup> In this latter respect, it is now progressing towards the municipal forms. Moreover, the three basic changes herein discussed reflect a moral progress, a reorientation from forceful aggression and the consequent attachment of sanctions, to self-restraint and the prevention of violence. Although

these various changes are no longer inchoate, they have not sufficiently congealed as to delineate clearly the forms of a post-modern international law. Rather, with regard to all these changes, the present phase is in transitu: the state of international law rests somewhere between a primitive and an advanced form, both on the structural and the moral levels.

Footnotes

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1. Brierly, The Law of Nations 56-68 (6th ed. 1963) [hereinafter cited as Nations].
2. Hobbes, Leviathan ch. 17 (1651).
3. Austin, The Province of Jurisprudence Determined, lecture I, in I Lectures on Jurisprudence 12 (H. Hart ed. 1954) (1st ed. London 1832).
4. Brierly, Nations, supra note 1, at 70.
5. Pollock, First Book of Jurisprudence 28 (1896).
6. Lauterpacht, Introduction, in J. Brierly, The Basis of Obligation in International Law 18 (1958).
7. Kelsen, The Pure Theory of Law 62 (1967).
8. Rawls, Theory of Justice 240 (1971).
9. Kelsen, The Essence of International Law, in The Relevance of International Law 115 (K. Deutsch & S. Hoffman eds. 1971).
10. Friedlander, International Law Is What the Lawyers Say It Is, Student Lawyer, December 1975, at 10.
11. Kelsen, General Theory of Law and State 61 (1949).
12. Business Week, January 13, 1975, at 66.
13. Kelsen, The Essence of International Law, supra note 9, at 115.
14. Kelsen, The Pure Theory of Law, supra note 7, at 62.
15. Hart, The Concept of Law 84 (1964).
16. Id. at 175.
17. Kelsen, The Essence of International Law, supra note 9, at 115 ff.
18. U.N. Charter art. 2, para. 4.
19. Such alliances' reliability has become more doubtful in the post-nuclear age, as a State will not lightly risk its existence merely for the sake of another State's interests.

20. See Hart, *The Concept of Law*, supra note 15, at 190-195, regarding the importance, for law, of "approximate equality" among its subjects.
21. See Brierly, *Nations*, supra note 1, at 384 ff., respecting the relative ineffectiveness of the United Nations.
22. Falk, The Relevance of Political Context to the Nature and Functioning of International Law, in *The Relevance of International Law*, supra note 9, at 179; [although] Falk goes on to recognize Kelsen's abstraction from political reality as a factor of his idealistic presentation of international law.
23. Falk, Janus Tormented, in *International Aspects of Civil Strife* 234 (J. Rosenau, ed. 1964).
24. U.N. Charter chap. VII.
25. The force of this veto power is somewhat mitigated by several developments which merit mention: The Uniting for Peace Resolution, empowering the General Assembly to take measures to maintain peace, when the Security Council is paralyzed; the Secretary General's assumption of executory duties to enforce directives against a breaching party; Article 51's reservation of a member state's "inherent right on individual of collective self-defense if an armed attack occurs"; Articles 52-54's bestowal on member States of the power to create regional agencies to maintain peace. See Brierly, *Nations*, supra note 1, at 380-396.
26. U.N. Charter art. 2, para. 4.
27. Brierly, *Nations*, supra note 1, at 432.
28. General Treaty for the Renunciation of War (Kellogg-Briand Pact), Aug. 27, 1928, 46 Stat. 2343, T.S. No. 796 (1929).
29. U.N. Charter art. 2, para. 3; arts. 33, 37.
30. Id. art. 36.
31. Brierly, *Nations*, supra note 1, at 355; see generally Jenks, *The Prospects of International Adjudication* (1964).
32. Id. at 361.
33. Hall, *International Law* 82 (8th ed. 1924).
34. See Am. Soc'y. Int'l. L. Proc., April 1963, regarding the 1962 Cuban quarantine.

35. U.N. Charter, chap. 7.
36. Id. art. 51.
37. See text at note 25.
38. U.N. Charter, chap. 8. See e.g., Treaty of Friendship, Cooperation, and Mutual Assistance (Warsaw Pact), May 14, 1955, 219 U.N.T.S. 3; North Atlantic Treaty, April 4, 1949, 63 Stat. 2241, T.I.A.S. No. 1964; Charter of the Organization of American States, April 30, 1948, 2 U.S.T. 2394, T.I.A.S. 2361.
39. General Act of Pacific Settlement of International Disputes, 93 L.N.T.S. 343 (1928).
40. Wright, Non-Military Intervention, in The Relevance of International Law, supra note 9, at 26.
41. III Trials of War Criminals Before the Nuremberg Military Tribunal Under Control Council Law No. 10, 1946-49, at 984 (1951).
42. See Convention of the Settlement of Investment Disputes between States and Nationals of Other States, art. 23, March 18, 1965 [1966] 17 U.S.T. 1270, T.I.A.S. No. 6090; also Friedman et al., International Law 215 (1969).
43. On this point, see Rawls, supra note 8, at 379.
44. Hart, supra note 15, at 84.
45. Id. at 95.

**THE U.S.-SOVIET MARITIME AGREEMENT: A NEW  
PLAN FOR BILATERAL COOPERATION**

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