The fact that access to the sea for land-locked states in general and the developing ones in particular is a real, vital and continuing need is well enough established so that the international community has deemed it appropriate, even necessary, to conclude a convention on the subject, one “which would last at least twenty-five years,” a very long duration for a convention on a practical problem in this period of history. That there is a problem is evident from the numerous actual and threatened interruptions of freedom of transit since World War II, from the very restricted character of many transit agreements, and from the generally tenuous nature of transit agreements between weak interior states and their frequently stronger coastal neighbors. While the principle of “a free and secure access to the sea” has been broadly accepted by all states, there still is little agreement on what this orotund phrase actually means and still less on how it relates to “the sovereignty and territorial integrity of all states.” Retaliation on the part of a transit state for real or fancied wrongs committed by a land-locked state may still take the form of cutting off the interior state from the sea. Or the transit trade may be subjected to such restriction, harassment and delay that the interior state may suffer grievously even though in a technical sense her access to the sea remains unimpaired. It seems necessary, therefore, to examine several possible ways to make more free and secure the access to the sea of developing land-locked states.

International Law

“International law,” says Fenwick, “may be defined in broad terms as the body of general principles and specific rules which are binding upon the members of the international community in their mutual relations.” 18

This definition is in conformity with many other modern definitions of international law which no longer stress the "rights" and "obligations" of states as the classical writers did. Today international law is based on equity, on general consent deriving from the recognition of the advantages to be gained by all from mutual cooperation. Admittedly international law has not solved all international problems; it has not brought about the millenium of a prosperous, peaceful, orderly world. Still, it has been most useful in resolving many minor problems, in preventing others from becoming major ones, and in creating a climate conducive to the settling of even major disputes among states. It has even greater potential for usefulness in the future, and the World Peace through Law movement is gathering strength. Its third conference, held in Geneva in the summer of 1967, was more optimistic, yet more pragmatic, than its predecessors had been, despite its occurrence in the shadow of the six-day war in the Middle East in June. The International Court of Justice, the International Law Commission, the United Nations itself and its specialized agencies, are all making great contributions to the codification and progressive development of international law. Even resolutions of the General Assembly, United Nations declarations on social and economic matters, and debates on conventions developed by international conferences, even if the conventions never enter into force, are coming to be accepted as contributions to international law, worthy of respect and consideration by "civilized nations." Philip C. Jessup, in reviewing the first Geneva Conference on the Law of the Sea in 1958, wrote, for example, "Of course no one would have ignored the fact that the action of the Conference did not 'make' international law -- or did it?"

This development of international law since World War II illustrates its changing nature; indeed, the necessity for it to change. Fenwick puts it this way:

The international community must from time to time reaffirm its principles, clarifying them in the light of the objectives to be attained; it must from time to time define its objectives anew, taking into account the needs of its member states and the practical ways and means available for meeting them. Just as in determining the relation of the state to the international community a balance must be sought between national sovereignty and the authority of international law, so in the development of the law itself a balance must be sought between stability and justice. International law must be fixed enough