The Fundamental Legal Notion and Codification of the International Law of the Sea

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Abstract

The development of the public international law of the sea is considered a legal element inseparable from the historical-legal process of the adoption and development of international law in general. Although the basic concepts of general maritime legislation are found in the customary maritime law of ancient Rome and Greece, as well as in the rules of medieval maritime codes created by Hispanic, Italian, and English city-states between the 11th and XVth centuries in Europe, the law of the sea in the contemporary sense of the term, was adopted as a result of interrelations between European states with maritime interests during the period known as the modern or post-medieval era of history. International law of the sea, as it is considered today, developed only when the necessity of the creation of independent territorial states enabled the true development of international relations in Europe. This radical change in the international system, the beginnings of which can be found in the historical developments of the Conference of Westphalia in 1648, can not be considered a separate event, but reflects a complex process characterized by a slow and silent historical development of which has progressed from the sixteenth century onwards, to the twenty-first century.

Keywords: *Maritime law, maritime legal notion, UNCLOS, International Maritime Organization*

1. Introduction

The conception of the international legal framework for the sea began to develop in imperialist Europe of the late fifteenth and early sixteenth centuries, precisely during the period in which powerful European states such as England, Spain, the Netherlands, France, Italy and Portugal, competed fiercely for the conquest of new territories and the possession of major trade routes in the seas and oceans. In the early stages of development, the law of the sea was formulated based in part on the maritime rules of the Roman legal system, which were characterized by a period of revival in Western Europe from the 11th to the 15th century as well as; from the practices, norms and maritime codes of the Mediterranean city-states and of the Western European states established during the medieval period.

Reconceptualizing, adapting, and articulating interstate rules and practices (including customary maritime norms) in the context of international relations was generally considered a right of the jurists of the time, who under the philosophical influence of the Renaissance and Reformation period relied on many ancient and medieval academic sources. In this context, there were several notable jurists and scholars during that period of time which contributed towards the adoption and consolidation of the legal conecept and customary maritime norms.

The Spanish scholars Vitoria (1480-1546) and Suarez (1548-1617) were among the first authors to formulate legal expressions of an international nature based on the concepts of natural law and the basic legal notions of the classical

writers of ancient Rome and Greece (Churchill & Lowe, 1999). The Italian author Gentili (1552-1608), and especially the Dutchman Hugo Grotius (1583-1645), considered the founders of international law, despite continuing studies on the presentation of basic legal concepts in international relations, determined state practices as secondary elements, revealing as a result the natural law with superior status in relation to the development of international law (Shaw, 2003). This philosophical approach, deeply ingrained in the minds of these scholars, came as a result of the intellectual climate that prevailed in Europe of that period, being considered an inevitable practice because only during the seventeenth century did independent European states make serious efforts to register in the public archives official data on diplomatic relations (Mattingly, 1995).

2. The Legal Notion Evolution of the International Law of the Sea

The transformation of customary maritime norms into genuine legal acts by various coastal states such as England, Spain and the USA, from the seventeenth century onwards, has taken place mainly through the process of codification. Codification is considered an initial form of summarizing or documenting customary norms and practices. The codified practices initially served as customary descriptive norms for the regulation of certain behaviors on maritime affairs, which were applied by the subjects voluntarily (Frommer, 1981-2). Gradually, these norms gained the status of rules, standards and legal acts, on the basis of which the regulation of maritime issues and the resolution of conflicts of a maritime nature were carried out. The codification of the rules and norms of customary law of the sea is characterized by a difficult and at the same time complex process, which has been developed in parallel in many countries and bodies of the international system (O Connell, 1984). During the eighteenth and nineteenth centuries, powerful states with major maritime interests, such as England and the United States, codified customary rules regarding the definition of legal regimes in maritime border areas, issuing binding legal acts to be implemented by entities under state jurisdiction. Since the beginning of the eighteenth century, jurisdiction over national maritime space and the enforcement of law on merchant ships operating illegally off the English coast has been regarded as a universal right of nations to protect their interests (Borgerson, 2009).

An interesting case in this context is the adoption of maritime legislation on the contiguous zone. The legal regime of this area, appears for the first time in the XVIII century, reflected in the legal instruments of the British Hovering Acts, originally proclaimed in 1750 and 1765, and repealed in 1876 by the Custons Consolidation Acts, which was adopted as a legal safeguard mechanism against foreign vessels trafficking contraband within the national waters of the United Kingdom at a distance of 24 miles from shore (Frommer, 1981-2). The roots of these legal acts can be found in the official discussions in the House of Lords in 1739, which aimed at preventing maritime smuggling, and in particular, the Spanish intervention in the transport of industrial products developed by British ships in the Caribbean Sea(Shaw, 2003). These anti-smuggling measures taken by the House of Lords also complied with the sovereign rights of states, because it turned out that all security measures taken on land failed to prevent illegal maritime transport. In parallel, the US Congress in 1970, created a national legal package against maritime smuggling in its national waters, requiring all foreign ships to be provided with an anti-smuggling declaration in order to prevent illegal trade at sea (The Parliamentary History of England from the Earliest Period to the Year, 1803).

Despite the importance of the adoption of national maritime legislation during the eighteenth century in Europe and America, this study focuses on the history of the development and codification of customary law of the sea by international institutions and bodies, which have the main purpose the regulation of the world maritime and oceanic space to be used by all states of the international system, based on global legal parameters, one of the legal doctrines of which is considered the notion freedom of the high seas, of the well-known Grotius (O Connell, 1984). In this view, international maritime law is considered the set of norms, customs, practices and legal acts, which regulate relations between states with maritime interests, international institutions and other international legal entities, with the aim of resolving maritime disputes peacefully, as well as to contribute to the common socio-economic progress. It is precisely the legal element of the peaceful resolution of interstate conflicts of a maritime nature, which characterizes the important role of the law of the sea in international relations (Churchill & Lowe, 1999).

During the nineteenth century, the International Law Association, composed of prominent jurists of the time and actors of the maritime industry, since its founding in 1873, was considered responsible for creating a number of reports and resolutions on various issues of maritime nature, such as territorial waters, ocean pollution, ocean floor natural resources, international navigational routes, piracy and the port jurisdiction of states (Shaw, 2003). Another international institution of historical importance, created by the best jurists of the time, is also considered the Institute of International Law, also founded in 1873. This international institution, adopted normative acts and codified important legal resolutions

related to the international water regime, inland waters, territorial waters, natural sea resources, underwater cables, marine pollution, and above all, is responsible for the establishment of the International Bureau of the Sea (UN Documents on the Development and Codification of International Law, 1947). In the early twentieth century, Harvard Law School, a fundamental institution of higher education in the US, prepared detailed reports of a legal nature on the normative regime of territorial waters, international waters, and maritime piracy issues; while in 1932 he published a volume called the Summary of Anti-Piracy Laws Implemented by Different States, edited by Stanley Morris (Churchill & Lowe, 1999).

The last institution known for developing and codifying international legal acts during this period was the American Institute of International Law, which prepared the legal volume on U.S. Foreign Relations Law. The volume in question is considered a study of great legal value, which at the same time has had a powerful impact on US courts involved in legal cases of international character, as well as a significant impact on legal systems around the world. In addition to international institutions, scholars and authors of international law, such as Bluntschli, Fiore, and Internoscia, have attempted to develop and codify customary law of the sea during the early twentieth century, but whose projects have generally failed particularly during the post-World War I period (Churchill & Lowe, 1999).

In the context of the importance that international law-making institutions represent, the League of Nations can be considered the first genuine interstate organization which has made a major contribution to the adoption and codification of maritime legislation. This organization of a global nature, established in 1924 the Committee of Experts with the aim of selecting the customary international rules of the sea, which would be considered to be codified by this organization (Churchill & Lowe, 1999). The customary legal elements selected by this Committee for a possible codification included important topics, such as territorial water regime, piracy, and the use of natural ocean resources. The Preparatory Commission established for this purpose, under the direction of the Committee of Experts, convened to formulate several maritime legal packages for codification, which included topics on ship nationality, state responsibility, piracy, and territorial waters (UN Documents on the Development and Codification of International Law, 1947). The summary report of this Commission, and the official responses of the member states on the above topics, are of great importance and represent a thorough study of state maritime practices and policies during that period.

The international conference held in The Hague in 1930, with the aim of adopting an international convention on the territorial waters and the contiguous zone, based on the proposals of the Committee of Experts of the League of Nations, unfortunately failed in its efforts (Xhelilaj & Metalla, 2011). The states participating in the Hague Conference held a common position on the legal issues pertaining on the nature and extent of states' rights in territorial waters, as well as on the legal concept of the innocent passage rights in these waters, but had not reached a consensual agreement on the crucial issue regarding the breadth of territorial waters (UN Documents on the Development and Codification of International Law, 1947). Consequently, the conference decided to send copies of the draft convention to all member states, in the hope that an agreement could be reached at a later date.

Despite the failure to establish a convention on the law of the sea, the legal provisions of the draft convention of the Hague Conference were considered valuable in terms of the establishment of the UN Commission on International Law in 1945, which was mandated to develop a continuous process of codification of the international law (Churchill & Lowe, 1999). By 1956, at the request of the UN General Assembly, the Commission had prepared a report covering the vast majority of aspects of maritime law which were considered important to States. The report, which reflected a detailed analysis of the comments and remarks made by states on the law of the sea, was also the main basis of the work of the United Nations Conference on the Law of the Sea (UNCLOS), held in Geneva in 1958 (Borgerson, 2009).

3. Geneva Conventions on the Law of the Sea and Interstate Dispute Resolution

The First UN Conference on the Law of the Sea (Geneva Convetions) was attended by about ninety member states, almost double the number of states participating in the Hague Conference. At the end of the conference, four main international conventions were adopted, which were: Convention on Territorial Waters and Contiguous Zone, Convention on International Waters, Convention on Continental Shelf, and Convention on Fisheries and Conservation of Living Resources in International Waters (Shaw, 2003). Conventions on the legal regime of maritime waters have relied extensively on customary international law applied in recent centuries, and have been ratified by a large number of participating States. Consequently, the adopted conventions on the legal regime of maritime zones constituted the basic concept of international maritime law, which was characterized by customary rules and norms generally accepted by the states of the international system (Churchill & Lowe, 1999). One of the main issues raised during the proceedings of the conference, as it happened during the Hague Conference, was the disagreement of the participating states on the

breadth of territorial waters. In this context, economically powerful and developed countries in the maritime industry, such as England and the United States, demanded that the three-mile maritime territorial waters, based on customary law, be legally sanctioned in maritime conventions (Borgerson, 2009).

Underdeveloped countries, mainly African, Asian and Eastern European countries, on the other hand, applied for a territorial width of more than three nautical miles, insisting on extending these waters up to twelve nautical miles (Dixon, 2009). The Geneva Conference also brought to light exaggerated demands on the regime of maritime areas, as was the case in Latin America, some of which demanded that territorial waters extend up to two hundred nautical miles toward the ocean (Shaw, 2003). Serious disagreements between the states participating in the conference also existed over the legal regime of international waters. The globalization of the maritime industry brought about the necessity for the ships of different countries to sail in international waters to enable the development of trade and other important activities. This situation resulted in legal implications regarding the legislation that should prevail over these ships, considered from the point of view of customary international law as floating islands, which navigated in international waters characterized as mare liberum, ie heritage common to humanity in which no state has jurisdiction over it. It is understandable that when a ship sails in the national waters of a state, it is subject to the jurisdiction of that state, but when the ship sails in international waters (mare liberum) then the legal and jurisdictional situation on ships can be considered unclear and problematic (Churchill & Lowe, 1999).

As a result of interstate disputes and the developments in the field of maritime affairs, the UN a few years later held another conference, in which the states focused on resolving the problem of the territorial waters breadth, as well as on the issue of the legal limitation of fishing. The issue of fisheries was considered a problem because there was no consensus on the extent of the marine fishery zone over which states should have full legal jurisdiction. The old legal concept *res kommunis* (common property), based on Hugo Grotius's freedom of the high seas doctrine, which referred to the unrestricted exploitation of ocean's resources by the entire world community, in this case was difficult to legally and practically implement (Mukherjee, 2006).

The scientific reasoning of contemporary researchers that living marine resources were considered limited, as well as the development of advanced marine technology of the 1960s, which enabled states to expolit extensively natural resources until the complete extinction of marine species, were the main reasons for the failure to determine of a marine fishing legal zone (Dixon, 2009). Despite developments over the natural resources of the sea, determining the breadth of territorial waters remained a priority issue of vital importance to the states. The UN Conference on the Law of the Sea (UNCLOS II), which took place in Geneva during 1960 to address the above problem, failed to reach a compromise by the states to determine a width of six nautical miles of territorial waters due to a (state) vote against (Churchill & Lowe, 1999).

The Geneva Conventions, despite being ratified by a relatively large number of states, being considered a major achievement of the international community in terms of codifying the customary law of the sea, were characterized by numerous practical and legal problems, as well as shortcomings procedural and substantive nature of a legal nature. Above all, the developed coastal states in economic, technological and maritime terms, after the Geneva Conferences (1958-1960), realized that the conventions on the law of the sea, in addition to the legal issues mentioned above, were not characterized by a wide and prevailing acceptance by the international system (Borgerson, 2009). The lack of an international legal standard on the breadth of territorial waters continued to be a problematic issue for the states of the international system, because the individual determination of the breadth of this maritime zone by different states could result in the loss of the customary status of the freedom of navigation doctrine, which would consequently enable the blockade of many international waterways and sea straits, such as Gibraltar, Hormuz, Malacca, Oresund, etc., which were considered vital to the world's economy as well as for the global peace and security.

Taking into account these developments, the UN decided to hold another important conference to address these fundamental issues on the law of the sea, later known by the acronym UNCLOS III. The origins of this conference are found in the historical developments of 1967, which culminated with the establishment by the UN General Assembly of the International Seabed Committee, with the aim of resolving the issue of jurisdiction over the ocean floor and subsoil, which extended beyond the national waters of the coastal states (Churchill & Lowe, 1999). The proposal to resolve this legal issue came from Arvid Pardo, Malta's ambassador to the UN (Borgerson, 2009), at the same time considered one of the founders of international maritime law.

During his speech at the UN General Assembly, Pardo said that the ocean floor and natural marine resources should be used for peaceful purposes, stressing that international waters, considered *res communis,* should be used mainly by the poor and developing states of the United Nations (Mukherjee, 2006). The existence of these factors and problematic issues, as well as the general global perception that the legal provisions under the Geneva Conventions on

the international legal regime of maritime zones are considered interrelated and intertwined, forced the global community to reconsidering a complete amendment and improvement of the international maritime legal framework (Shaw, 2003).he UN General Assembly in 1970, by resolution 2570, decided to hold a third United Nations conference with the main aim of establishing an international convention on the law of the sea, which was to be characterized as an effective and comprehensive legal (Churchill & Lowe, 1999). The UNCLOS III Conference held its first meeting in 1973, and after working tirelessly for almost ten years, finally adopted this important convention at the Montego Bay Conference (Jamaica) on April 30, 1982. United Nations Convention on the Law of the Sea of 1982 (UNCLOS), which entered into force in rewritten form on 16 November 1994, and which has currently secured the signatures of more than 168 states (ratifications), is widely regarded as one of the most comprehensive and multilateral treaties of an international nature to be ever drafted (Churchill & Lowe, 1999; Dixon, 2009).

The Convention on the Law of the Sea, otherwise known as the Constitution of the Oceans, addresses key issues in the field of the law of the sea with the aim of laying the foundations for the construction of a legislative package of a maritime character for the optimal exploitation of oceans and underwater resources. The basic jurisdictional principles of the UNCLOS Convention are considered: 1) The peaceful use of the oceans; 2) Protection and reservation of the marine resources and ocean environment; 3) Optimal sustainable use of living and groundwater resources of the oceans, and; 4) Respect for the the freedom of the seas/oceans. One of the most important achievements of the UNCLOS Convention is considered to be the legal sanction imposed on the establishment of the International Seabed Authority (ISA), as well as the establishment of the International Tribunal for the Law of the Sea (ITLOS), which deals exclusively with legal disputes arising from the implementation of the UNCLOS Convention (Xhelilaj & Tozaj, 2010).

4. Codification of the International Maritime Law by the United Nations and International Maritime Organization

The conference during the preparation of the UNCLOS Convention was characterized by a special structure, which consisted of several standing committees, among which the First Committee addressed issues on the legal regime of the seabed; The Second Committee was tasked with formulating the regime of the territorial waters and contiguous zone, the continental shelf, the exclusive economic zone, international waters, straits, archipelago states, fisheries and the protection of living resources in international waters; while the Third Committee dealt with the topics of marine environmental protection and scientific research (Churchill & Lowe, 1999). Also, within the conference, there were a number of ad hoc groups which dealt with more detailed issues within the scope of the work of the above committees (Buzan, 1981). The participation in this conference of about 150 states, each of them ready to protect and promote national interests, made the negotiations to reach joint agreements between these states very difficult. The proceedings of the conference also highlighted the common interests characterized in the formulation of statements by certain inter-state groups, which had joined together to achieve the same objectives.

Group 77, which consisted of about 120 countries designated as poor developing countries, was considered the most powerful group because of the great influence it exerted on the formulation of certain policies of the convention, which were considered by international opinion as a diplomatic victory (Churchill & Lowe, 1999). The Western group of capitalist states, the grouping of Eastern European socialist states, as well as the group of non-coastal and archipelagic states also exerted their influence during the proceedings of the conference.

Despite differing positions and interstate disputes, the conference proceeded on the basis of understanding and compromise between the participating states. The final text of the UNCLOS Convention, which contains 320 legal provisions, was adopted by 130 votes to 4, with 17 abstentions, with Turkey, Venezuela, Israel and the United States voting against after opposing the substance of Part XI of the draft convention, which dealt with the recent legal issue of the ocean deepths (Shaw, 2003). In this context, these technologically advanced countries opposed certain articles of the convention, according to which data on the technology of exploration and exploitation of the oceans by other economically developed countries, should be given to underdeveloped countries so that resources to be used equally by the entire international community.

The idea that the UNCLOS Convention, considered a powerful machine in the service of ocean floor management and underwater natural resources, could enter into force in the absence of the participation of the most industrialized countries in the world such as the US and the UK, was considered a problematic issue by UN governing structures. In order to meet the requirements of these powerful states of the international system left out of the ratification of the Convention, the UN General Assembly adopted on 24 July 1994 the Implementation Agreement, which revised the legal provisions of Part XI of the Convention on the ocean depths in order to better respond to the demands of western states (Dixon, 2009). The agreement entered into force on 28 July 1996, and together with the Marine and Endangered Species

Management Agreement of 1995, which are closely linked to the UNCLOS Convention, form the full legal package of the international system of Law of the Sea (1982) (Churchill & Lowe, 1999).

A fundamental element in relation to the UNCLOS Convention is that certain of its legal provisions exert a significant influence on customary law, which implies the fact that although the convention continues not to be ratified by various states, many principles have been codified or developed within it are binding on these states as part of customary international law. Various recent legal issues adjudicated by ITLOS, such as Qatar v. Bahrain (2001), Eritrea v. Yemeni (1999), and Libya v. Malta (1985), have shown that many of the legal provisions of the UNCLOS Convention (1982) are turned real into customary international law (Dixon, 2009). Shaw supports the above theory by emphasizing that many of the legal provisions of UNCLOS are a reflection of the legal concepts of previous instruments while other provisions have already become customary law. As a result, in the international system there are a number of complicated inter-state relations, which are based on customary law and treaties, being *prima facie* obliged to apply the accepted customary law (Shaw, 2003).

The UN is not considered the only international institution that has contributed to the development and codification of international maritime law. A very important role in this regard has played the International Maritime Organization, a specialized UN agency responsible for maritime safety and prevention of ocean pollution globally, which is characterized by a substantial influence on the international system in terms of world legal regulation of major maritime issues during the 1970s and onwards. The International Maritime Organization (IMO) was established in 1948 by the UN, and was legally activated in 1958, when the international treaty establishing the organization entered into force. Until 1982, due to its advisory nature, this organization was known as the Intergovernmental Maritime Consultative Organization, having as its main purpose the advisory and recommendation aspect towards the states on maritime issues. Since 1982, the IMO has been consolidated into a genuine law-making and comprehensive organization beginning to exert a very large growing influence in the international system regarding the setting of international legal standards of the sea.

Major IMO committees, such as the Maritime Safety Committee, the Legal Committee, and the Marine Environment Protection Committee, have played a key role in establishing, developing, and codifying international maritime law regarding navigation and maritime safety, ocean environment, maritime crime, maritime search and rescue, maritime training and education, piracy and global terrorism, etc. The main structures of the IMO consist of the Council, which consists of representatives of the forty most developed countries in the maritime industry, and the Assembly, which includes all member states and currently numbers 170 such (IMO, 2020). IMO through international diplomatic conferences is responsible for establishing more than forty international maritime conventions, which have been ratified by a large number of states and are generally characterized by a legally binding character. A brief summary of the most important international IMO conventions will be explained in the following paragraphs.

The Convention on the International Regulations for Preventing Collisions at Sea - COLREG (1972), is one of the leading conventions established by the IMO, which contains a record number of legal provisions based on the customary maritime norms and practices of ancient Rome and Greece, as well as from the customary law of Mediterranean city-states in the Middle Ages. The Convention lays down binding international legal standards relating to the rules of navigation, the scheme of ship navigation in the oceans, sea lanes, maritime signaling and the prevention of collisions at sea. Another legal instrument of the IMO is the International Convention for the Safety of Life at Sea - SOLAS (1974), considered the most important global treaty of all time regarding the safety of ships and seafarers.

Many of the legal provisions of SOLAS are derived from medieval period and modern era European customary law. The main objectives of the SOLAS Convention include the establishment of international safety standards and norms on the construction, equipment and operation of ships. International Convention for the Prevention of Marine Pollution - MARPOL (1973), is the only international treaty which regulates the prevention of pollution of the marine and oceanic environment, which arise as a result of operational activities and accidental situations of ships. The provisions and protocols of this convention were created as a result of the great ship traffic across the oceans, as well as the development of marine technology globally during the post-World War II period (IMO, 1974/78).

Considering the numerous maritime accidents during the years 1960-1970, which had come mainly as a result of human error, the IMO in 1978 established the International Convention on the Standards of Training, Certification and Watchkeeping of Seafarers (STCW), considered one of fundamental pillars of international maritime law. The STCW Convention is the first international legal package that sets out the basic criteria and standards for the training, education, and certification of seafarers and maritime officers. One of the important legal instruments of the IMO is the International Convention on Search and Rescue at Sea (SAR), established at the 1979 Hamburg Conference, which sets legal standards for the establishment of an international search and rescue plan at sea. According to the SAR, the rescue of ships and seafarers from maritime disasters is coordinated by the SAR organization, based on the inter-state cooperation

of national search and rescue organizations. Many of the legal provisions of the convention are based on the ancient customary law of rescuing people at sea.

As a result of modern piracy illegal activities and increasing maritime crime during the 1980s, the IMO in 1988 adopted the International Convention on the Suppression of Illegal Acts Against the Safety of Navigation (SUA). The SUA Convention sets out international legal standards regarding the prevention and penalization of criminal, piracy and terrorist activity in the maritime industry. Finally, the International Ship and Port Facility Security Code (ISPS Code), adopted in 2002 as a result of the September 11, 2001 terrorist attacks in New York, is considered to be one of the fundamental legal instruments of the IMO (Xhelilaj, 2008). The ISPS Code sets binding legal norms on the prevention of terrorist, criminal, piracy and other deliberate incidents on ships and ports. The regime of international maritime law also contains many maritime conventions and legal instruments adopted by the IMO and the UN, such as the International Maritime Satellites Convention (1976), the International Safety Management Code (1993), the International Convention on the Facilitation of International Maritime Traffic (1965), the International Agreement on Passenger Ships (1971), the International Convention on the Ship Salvage (1989), the UN Convention on the Conditions of Registration of Ships (1986) and so forth.

5. Conclusions

The legal notion and codification of the international law of the sea, were some of the issues at the center of the analysis during the study presented in this article. In this context, important topics pertaining to the contribution of early scholars of international law, such as Gentile, Grotius, Selden, Wolf, Bynkershoek, etc., were discussed in connection with the adoption and development of the law of the sea during XVth, XVIth, XVIIth and twentieth century. In this study were also discussed the basic concepts, principles and norms of international maritime law, such as the legal concept of freedom of the seas and innocent passage, which were adopted by early jurists and independent European states as a result of the agreements achieved during the deliberations of the Conference of Westphalia in 1648.

Furthermore, issues such as the establishment and contribution of international institutions related to the development of the law of the sea, such as the Institute of International Law, the League of Nations, the UN and the International Maritime Organization were as well part of the analysis. The study of some of the major international conventions of maritime legal character such as SOLAS Convention, STCW Convention, MARPOL Convention, COLREG Convention, FAL Convention, ISPS Code, ISM Code, SALVAGE Convention, SUA Convention and so forth adopted during the twentieth century, were also considered in the analysis of this article.

In this context, the law of the sea is considered a comprehensive, challenging and at the same time a complex legal discipline, which contains a large number of legal provisions, bilateral and multilateral treaties, conventions, maritime codes, customary norms, court decisions, resolutions, instructions, circulars, as well as legal principles and aspects of interstate public character. The law of the sea reflects important national and international objectives, which can be defined as the summary of normative issues of economic, legislative and administrative nature, through which the state exerts influence on the role of its maritime industry in relation to the national and global economy.

The international law of the sea protects and preserves not only the national interests of coastal states, but on the other hand is considered an important influential and interactive component for the international system, because it involves the implementation of bilateral, regional and international agreements; implementation of international obligations and standards as well as; the stability of international peace and security. The study and analysis of the legal concept and codification of the international law of the sea is important to comprehend since it serves as legal pillars for the future amendments and adoption of more efficient and productive legal norms of maritime natyre.

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