



# Max Planck Encyclopedias of International Law

马克斯普朗克国际公法百科全书

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## Expansion of the MPEIL Academic Advisory Board

The *Academic Advisory Board* of the *Max Planck Encyclopedia of Public International Law* (MPEIL) has been expanded and now includes 17 leading academics and renowned experts in public international law.

The MPEIL is entering a new era. With more than 1,750 entries published as of January 2022, covering virtually every aspect of the substance of international law, the primary focus of the advisory board and the editorial team will be to keep up with the developments in this dynamic field of law by continuously updating existing entries whilst adding new ones on emerging topics.

With the members' diverse backgrounds and areas of expertise, the advisory board is well equipped to oversee this vast project and to give strategic advice on how to optimize its processes and content, with the aim of maintaining the Encyclopedia's reputation as the most trusted reference work in international law.

## Introducing the new General Editor of MPEIL



Professor Anne Peters, the director at the Max Planck Institute for Comparative Public Law and International Law, takes over as the *General editor* of the *Max Planck Encyclopedia of Public International Law* from Professor Rüdiger Wolfrum.

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- [+] Air law and law of outer space (18)
- [+] Diplomacy and consular relations (22)
- [+] History of international law (74)
- [+] Human rights (122)
- [+] Immunities (8)
- [+] Individuals and non-state actors (52)
- [+] International co-operation (116)
- [+] International criminal law (52)
- [+] International economic law (123)
- [+] International environmental law (151)
- [+] International humanitarian law (138)
- [+] International law and international relations (105)
- [+] International organizations (58)
- [+] International procedural law (262)
- [+] International responsibility (70)
- [+] Law of the sea (252)
- [+] Law of treaties (178)
- [+] Relationship between international and domestic law (37)
- [+] Settlement of disputes (12)

AUTHOR

- Wolfrum, Rüdiger (17)
- Heintschel von Heinegg, Wolff (8)
- Pring, George (Rock) (8)
- Scovazzi, Tullio (7)
- Churchill, Robin R (6)

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Tullio Treves

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Subject(s): UNCLOS (UN Convention on the Law of the Sea) — Marine environment, protection — Piracy — Maritime boundaries — Customary international law — Soft law — Codification

1 The law of the sea is the branch of international law that concerns rights and obligations of States regarding maritime matters. It does not include 'maritime' law which is a branch of domestic law which focuses on the relationships between private individuals and corporate bodies as regards maritime activities such as maritime transport, maritime insurance, and the responsibilities of shipowners and other persons. It must be noted that some rules of maritime law have been made uniform by the implementation in domestic legal systems of international conventions,...

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ibandla Chandrasekhara Rao†

Content type: Encyclopedia entries

Product: Max Planck Encyclopedias of International Law [MPIL]

Module: Max Planck Encyclopedia of Public International Law [MPEPIL]

Subject(s): UNCLOS (UN Convention on the Law of the Sea)

1 Generally speaking, the procedures for the settlement of all types of disputes in the field of international law were, until recently, the same (Peaceful Settlement of International Disputes). Dispute settlement in international law involved recourse to such traditional methods as negotiation, inquiry (Fact-Finding), good offices, conciliation, mediation, arbitration, and judicial settlement (Judicial Settlement of International Disputes). The Permanent Court of International Justice (PCIJ) as well as the International Court of Justice (ICJ) decided a number of...

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Contents

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- [+] A Notion of the Law of the Sea
  - [+] B The Development of the Law of the Sea
  - [+] C Unilateralism and Multilateralism
  - [+] D The Law of the Sea as a Codified Branch of International Law
  - [+] E The UN Convention on the Law of the Sea: its Approach and Achievements
  - [+] F The Present Post-Codification Era: the Law of the Sea 'System'
  - [+] G The Open Challenges
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## Law of the Sea

Tullio Treves

Content type: Encyclopedia entries  
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### Subject(s):

UNCLOS (UN Convention on the Law of the Sea) — Marine environment, protection — Piracy — Maritime boundaries — Customary international law — Soft law — Codification

Published under the auspices of the Max Planck Institute for Comparative Public Law and International Law under the direction of Professor Anne Peters (2021–) and Professor Rüdiger Wolfrum (2004–2020).

### A. Notion of the Law of the Sea

1 The **law of the sea** is the branch **of** international **law** that concerns rights and obligations **of** States regarding maritime matters. It does not include 'maritime' **law** which is a branch **of** domestic **law** which focuses on the relationships between private individuals and corporate bodies as regards maritime activities such as maritime transport, maritime insurance, and the responsibilities **of** shipowners and other persons. It must be noted that some rules **of** maritime **law** have been made uniform by the implementation in domestic legal systems **of** international conventions, and that certain issues **of** the international **law of the sea** are also the subject matter **of** maritime **law** rules: rules concerning the granting **of** nationality to ships and rules concerning pollution **of** the **sea** are examples. Even in these cases the rules remain separate, as the international **law** ones provide for rights and obligations **of** States, while the domestic ones provide for rights and obligations **of** private parties, even though they may also be seen as facts from which international **law** draws consequences in terms **of** States' rights and obligations or as implementation **of** international **law** rules.

2 International **law** sets out rules concerning the relationships between States in maritime matters in times **of** peace and in the framework **of** armed conflicts. The present article is limited to the **law of** peace, which, however, includes the activities **of** → *warships*.

3 The purpose **of** this entry is not to summarize separate entries covering issues in the **law of the sea**. The reader is instead referred to them for detailed treatment **of** all aspects, including historical ones. The objective pursued here is to identify certain general problems in the current **law of the sea** and to identify trends and challenges for the future.

### B. The Development of the Law of the Sea

4 The **law of the sea** has developed in parallel with general international **law**. It is not by chance that

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- Date

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