

Development of Maritime Law

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ABSTRACT: “*Let the sea set you free*”, Ocean has been one of the earliest channels for transportation of goods and people. Even today it plays an important role in trading on an international level since ships are capable of carrying bulky which would not have been possible otherwise . The sea was used for commerce by people from a lot of countries which led to disputes and wars. This led to the emergence of maritime law. Maritime law is a body of law which consists of rules and regulations related to the shipping industry . Rhodian Sea Laws are considered to be the earliest maritime laws. The influence of Rhodian Sea Law was altered with the rise of Roman Empire . But a uniform code based on Rhodian Law remained and were later on leveled up by the Romans . . Three noted codes of oceanic law – whose standards were found in the Roman law, were figured in Europe amid the three centuries between A.D. 1000 and A.D. 1300. These were- Consolato del Mare (Regulation of the Sea) , Laws of Wibusy and Laws of Oleron . Contemporary oceanic law is a blend of antiquated tenets and new at laws both national and universal . current sea law comprises of laws that are of memorable inception and of ongoing advancement. The soonest known sea laws were uniform . The authentic consistency of early oceanic laws declined with the development of sovereignty . The International Maritime Committee or CMI started consistency among national oceanic enactments of part nations . This association has likewise proceeded with the move towards uniform sea laws . Since 1958, a large number of CMI's capacities have been taken by the International Maritime Organization of the UNO.

I. INTRODUCTION

Water has been one of the most ancient and important channels for transportation of goods and passengers. Even today this mode of transportation plays a very vital role in trading on an international level since ships are capable of carrying bulky goods which would not have been possible otherwise . The sea was used for commerce by people from a lot of countries which led to disputes and wars . This led to the emergence of maritime law . Maritime law is a body of law which consists of rules and regulations related to the shipping industry . It is also known as Admiralty law .The history of maritime law is rich , complex and extremely intriguing .

II. ORIGIN OF MARITIME LAW

Egyptians, Phoenicians and the Greeks carried an extensive commerce in the Mediterranean sea. The earliest maritime code is credited to the island of Rhodes . It is said to have influenced the Roman law. Rhodian Sea Laws are considered to be the earliest maritime laws which date from 900 B.C¹ . These laws were recognized in the Mediterranean world as a method of providing predictable and fair treatment to merchants and their vessels. Ancient Greece carried their trade and commerce in a sophisticated and organized manner . Rhodian Sea Laws

¹ More likely appeared in the form entered today during the period from 500 to 300 B.C

were the reason behind it as they provided detailed rules for carrying out trade and commerce in an efficient manner. The influence of Rhodian Sea Law was altered with the decline of Greece and the rise of Roman Empire. But a uniform code based on Rhodian Law remained and was recognized as essential to peaceful and profitable Mediterranean trade. The Rhodian Law ruled the mediterranean Sea for more than one thousand years². The Digest of Justinian dated 533 A.D has explicitly mentioned about the controversy arising in the Mediterranean Sea³.

The Rhodian customs were later on leveled up by the Romans. There was an incredible development of the use of the standards of the Roman law in the recovery of trade ensuing upon the development of the Italian republics and the immense free urban areas of the Rhine and the Baltic Sea. Exceptional courts were set up in the Mediterranean port towns to judge debate emerging among seafarers. This movement in the end prompted the chronicle of individual judgments and the codification of standard principles by which courts wind up bound. Three noted codes of oceanic law – whose standards were found in the Roman law, were figured in Europe amid the three centuries between A.D. 1000 and A.D. 1300.

- **Consolato del Mare (Regulation of the Sea)**

This code was prepared in Barcelona. It should be known as the most seasoned of all the three oceanic codes. Control of the Sea secured different subjects of oceanic industry. Subjects, for example, Vessel Ownership, obligations of group and ace, pay rates of sailors, rescue, cast off, and ideal to stay nonpartisan in the midst of war were altogether specified in this code. It was this code later prompt the development of the best oceanic code in the history – the laws of Oleron.

- **Laws of Wibusy**

Laws of Wisby alludes to a code of sea traditions received on the island of Gotland, where Wisby was the foremost port. The laws of Wisby appeared amid sixteenth century. It is perceived as having the power of standard law. The laws of Wisby were in the past known as laws of Oleron. Under the laws of Wisby, if a sailor falls debilitated in light of the fact that s/he was conveyed of the ship on an uncommon administration, the costs brought about are to be paid by the ace, or proprietor of the ship. The sailor is likewise qualified for full wages for the voyage⁴.

- **Laws of Oleron**

It is said that the Laws of Oleron (or "Mores of Oleron") were coincidentally framed when Eleanor of Aquitaine was going on a military campaign toward the eastern Mediterranean with her at that point spouse,

² (300 B.C to 1200 A.D)

³(“This matter must be decided by the maritime law of thr Rhodians , provided that no law of ours is opposed to it”)

⁴ Hart v. The Littlejohn, 1800 U.S. Dist. LEXIS 8, 2-3 (D. Pa. 1800)].

King Louis VII of France. In the Mediterranean, Eleanor of Aquitaine found a propelled chief of naval operations' office framework which completely awed her. She carried the law back with her and proposed it to be set up on Oleron Island. Eleanor of Aquitaine later turned into the Queen of England in the wake of wedding Henry II and built up this framework as the British Admiralty Law. Additionally, this built up Admiralty law was entirely unexpected from the land-based law and had isolate courts and legal framework. The British Admiralty framework affects the present oceanic law.

It is to take note of that a couple of characteristics of sea law are still followed in the cutting edge office of the chief naval officer law framework. For instance, if a ship conveys a banner of a specific nation, it needs to keep the oceanic law of that nation as it were. This implies if an American ship in Australian water has some wrongdoing conferred locally available, at that point the ship will stand preliminary in the American court and not under Australian Jurisdiction. Accordingly one might say that the Ancient office of the chief naval officer law prompt the cutting edge sea law framework.

Nonetheless, the main disadvantage of the old oceanic law was that the tenets and directions changed based on a man's status. For e.g. the principles, controls and, cures of a team part who is influencing a case under the chief of naval operations' office law to will be to a great degree not quite the same as those of the travelers.

In this manner, however the historical backdrop of Maritime law is rich and propelled, it had its own downsides. In addition, it is likewise said that the old office of the chief naval officer law framework was much excessively entangled thought about, making it impossible to exhibit law.

III. CONTEMPORARY MARITIME LAW

Contemporary oceanic law is a blend of antiquated tenets and new at laws both national and universal. Among the customary standards of admiral's office still being used are marine protection, general normal and rescue. The welfare of the sailor, the antiquated idea of "upkeep and fix" are additionally still being used today. The fundamental explanation behind the constant utilization of antiquated standards of law is the perpetual idea of essential risks of nautical. Since at any rate the finish of the nineteenth century, be that as it may, maritime design and load taking care of have changed in huge ways. The broad utilization of unrefined petroleum transporters and additionally bearers of condensed flammable gas has, for instance, offered new risks and conversation starters of obligation for oil contamination and harm to the marine nature and the shorelines. Accordingly, current sea law comprises of laws that are of memorable inception and of ongoing advancement. Note additionally that not the greater part of the first standards of sea law still apply.

The soonest known sea laws were uniform. As per one historian, the immense estimation of the standards which had been created for sea exchange lay in the way that they had been "observed by training to be

reasonable to the requirements of a network which knows no national limits – the universal network of seafarers." This authentic consistency of early oceanic laws declined with the development of patriotism. In any case, sea exchanges have dependably been worldwide in nature which more often than not include people from various locales. Global delivery is "an unpredictable business, and its exercises are directed in a way that regularly involves the enthusiasm of a few nations." The mind boggling worldwide part of the exchange, from one viewpoint, and the way that oceanic law is national (than universal), on the other, is distinctive issues. The distinction in household oceanic enactments may, for instance, make the result of the "universal" exchange erratic to members. Additionally, jurisdictional, decision-of-law, and gathering non conveniens issues would be there.

Making the principles of oceanic law generally uniform, by and by comprehended, would ease the majority of the issues identified with unconventionality and strife of laws. This comprehension has prompted the recovery in the nineteenth century of the antiquated propensity to make rules identifying with oceanic exchange uniform all around. This exertion was first begun at the prompting of legal advisors and business men, for example, the individuals who established the Comité Maritime International (CMI) and the national sea law affiliations; and keeps on becoming under the aegis of the Intergovernmental Maritime Organization (IMO) and other United Nations partnered associations with the participation of specialists in the private division.

IV. INTERNATIONAL MARITIME COMMITTEE

Established in 1897, the International Maritime Committee or CMI started consistency among national oceanic enactments of part nations. Among the traditions drafted by CMI were the Hague Rules (International Convention on Bill of Lading), and the Visby Amendments (changing the Hague Rules), the Salvage Convention and numerous others. Since 1958, a large number of CMI's capacities have been taken by the International Maritime Organization of the UNO. This association has likewise proceeded with the move towards uniform sea laws. Numerous states clung to this standards either by consolidation of the arrangements in residential laws or by ramifications of settlement commitments. In this way, now, we can discuss the relative consistency of national oceanic laws of various delivery states which may not be coordinated by the level of consistency achieved in some different zones of law. The level of harmonization so far accomplished isn't, be that as it may, acceptable in so far as a few zones are concerned. For instance, there still exists contrasts in appraisal of sea claims.

V. CONCLUSION

Water has been a standout amongst the most old and critical channels for transportation of products and travelers. Indeed, even today this method of transportation assumes an extremely essential part in exchanging

on a universal level since ships are equipped for conveying massive products which would not have been conceivable generally. The ocean was utilized for trade by individuals from a considerable measure of nations which prompted debate and wars. This prompted the rise of oceanic law . Oceanic law is an assemblage of law which comprises of principles and controls identified with the delivery business . Contemporary maritime law is a mix of out of date precepts and new at laws both national and widespread. Among the standard principles of chief of naval operations' office as yet being utilized are marine insurance, general typical and safeguard. The welfare of the mariner, the old-fashioned thought of "upkeep and fix" are furthermore as yet being utilized today. The central clarification behind the steady usage of obsolete measures of law is the ceaseless thought of fundamental dangers of nautical. Since at any rate the complete of the nineteenth century, in any case, oceanic outline and load dealing with have changed in gigantic ways. The expansive usage of foul oil transporters and moreover bearers of dense combustible gas has, for example, offered new dangers and friendly exchanges of commitment for oil sullyng and mischief to the marine nature and the shorelines. As needs be, ebb and flow ocean law involves laws that are of paramount commencement and of continuous progression. Note also that not most of the main principles of ocean law still apply.