MARITIME LAW: THE ORIGINS AND LEGAL-HISTORICAL EVOLUTION FROM ANTIQUITY TO MORDERN TIME

DIREITO MARÍTIMO: AS ORIGENS E A EVOLUÇÃO LEGAL-HISTÓRICO DESDE A ANTIGUIDADE ATÉ MORDERNIDADE

LIANA MARIA TABORDA LIMA

Lawyer specialized in Customs Law, Master from the Master's Program in Business Law and Citizenship University Center of Curitiba - UNICURITIBA. (E-mail: adv.juridico6@gmail.com)

VIVIANE COÊLHO DE SÉLLOS KNOERR

Phd. Master, profesor and expert in Law. Lawyer. Professor and coordinator of the Master's Program in Corporate Citizenship Law and the University Center of Curitiba - UNICURITIBA. (E-mail: viviane@sellosknoerr.com.br)

ABSTRACT

This article aims to make a brief summary of the legal and regulatory developments in maritime law Based on the view that the Law of the Sea , in essence , was forged in customary practices dating back from time immemorial, is studied , the training process right from the usual, as these customs emerged and promoted in aeons to influence the use of modern conceptions and water traffic . It will highlight the eminent influence that the Law of the Sea had for the formation of the present political, economic and legal on a global scale.

KEYWORDS: Law of the Sea; Legal and regulatory developments; Modern conceptions .

RESUMO

O presente artigo objetiva fazer uma breve síntese da evolução jurídico-normativa do Direito do Mar. Partindo da concepção de que o Direito do Mar, por essência, foi forjado em práticas costumeiras que remontam desde tempos imemoriais, estudara-se o processo de formação do direito a partir do costume, como estes costumes surgiram e se fomentaram nos aeons até influenciar as modernas concepções de uso e trafego das águas. Destacar-se-á a eminente influencia que o Direito do Mar teve para a formação da presente conjuntura política, econômica e jurídica a uma escala global.

PALAVRAS-CHAVES: Direito do Mar; Evolução jurídico-normativa; Concepções modernas.

INTRODUCTION

The sea has always held fascination for human beings. Since time immemorial man looks at the vastness of the waters, first with fear and awe of the mysteries and terrors that there might exist, but as his understanding of the natural world and the world of men progressed, came to see the sea as a horizon of infinite possibilities.

From ancient times to the present, the sea is the primary means for commercial and cultural exchanges between civilizations, and there is always at the epicenter of development of international law. For this quality, anyone who is engaged to understand international law will have to go through this topic, sometimes so neglected by the national legal teaching. Cicero said, "(that) ignore the past is always remain a child"[1]. To the understanding of international law, it is therefore necessary to know the Law of the Sea and its origins, so he could get an improved perception of the future of international law. And in the end, stop being a "child" for this.

[1] The original "anti Nascire autem quid quam natus sis accident, id is always this puerum" in. Free translation. Marco Tulli Ciceronis Orator ad M. Brutum

The aim of this article is to make a brief summary of the legal and regulatory developments in maritime law Based on the view that the Law of the Sea, in essence, was forged in customary practices dating back from time immemorial, had studied the process of formation right from the custom, as these customs emerged and promoted in aeons to influence the use of modern conceptions and traffic of the waters.

The objective is, in the background highlight the eminent influence that the Law of the Sea had for the formation of this political situation, economic and legal on a global scale.

1. CUSTOMS

You can understand human history as if it were a tributary: this river's dams, which represent the existing social rules in a certain chronological and territorial moment. True Zeitgeist of a particular historical moment. As the river go by, dams make it different, sometimes wider, sometimes more cloudy or shorter, always leaving an influence that though it may be diluted as the river flows and other dams appear, never disappears whole.

A particular social rule has its constitutive element of tradition in the public power authority, in spirituality, in need or in the very nature of the thing. Among these elements, the tradition has a special interest in the study of the science of law, because it comes from the custom.

You can understand why custom as "human fact that repeats s still way because it is the collective consciousness of the value and keep watch." Custom thus it would be a uniform conduct that is perpetuated in time, in a geographic area for a certain group of people, based on the conviction of its usefulness and respected spontaneously. (FERRERI, 2004)

The Greco-Roman legal thought cared to assign a difference between what was the custom, that is, the natural behavior of the things (physis) and agreed that among men (thesis). In Chapter VII of Book V of the Nicomachean Ethics, Aristotle says:

> “Civil justice is a part of natural origin; the other is based on the law. Natural justice is one that keeps everywhere the same effect and does not depend

> on the fact that someone looks good or not; based on the law it is that, on the contrary, it does not matter if its origins are such and such, but as is, once sanctioned" (ARISTÓTELES, 2001. p. 144-145)

Thus, these lawyers understand the difference between a primal behavior (irrational, trivial and spontaneous) arising from the very nature of the thing, and a supreme behavior (agreed, tax and rationalized) that falls in the first.

Georg Friedrich Puchta explains that the usual emanate from the consciousness of men, the popular will to accept a certain behavior. In turn, the law of this behavior would be endowed with a psychological internal requirement, an intellectual coefficient that determines the obligation to adopt this behavior. (FERRARI, 1950)

Theory of Romano Santi institution exists only when there is the right composition of a corporation. Thus, the law would only exist when the company is transmutasse a phase "disorganized" to an "organized" phase, through a Social Order that would match the range of agreed customary norms governing the relations among men. (ROMANO, 2006)

This law (or Aristotelian Justice) stemming directly behavior is appointed by the doctrine as customary law. In Paul Nader, this right "[...] can be defined as a set of social conduct, created spontaneously by the people, through repeated use, uniform and generating certain obligation, recognized and enforced by the state." (NADER, 1997, p. 156)

The custom thus appear as elemental primary source of law, as it would represent the public will accept and operate on a certain standards, either coming from an perpetuated behavior in time or whether arising from an imposed standard. The custom, therefore, would be the essence of the People's Will, or Volkgeist defended by Savingy. (FERRARI, 1950) In the Roman legal system, this feature appears in iuris et necessitatis Opinio.

Regardless of your basal importance, the doctrine of the countries that suffered most influence the positive law has neglected the importance of custom in the process of legislative training. From the perspective juspositivista, the law is founded on the binomial Validity x Effectiveness. The first pole in line to the theory of legal formalism, was only founded in formal structure criteria, regardless of its

content. On the effectiveness, the positivist doctrine, through the theory of law as a preeminent source of law, as a source of law disregards the usual contra legem, while the consistency of character, does not admit the existence of antinomic standards of any kind. And from the perspective of obedience theory, the law should be obeyed absolutely, (BOBBIO, 1995) summarized in the aphorism Gesetz ist Gesetz (law is law).

Thus, the doctrine of classical positivism, the custom would be leaving at a assessório character in some ways a primitive aspect of duty would be relegated to a secondary character with the regulation. For Hans Kelsen, the popular will (described by him as the "desire for justice") would be irrelevant in the creation of the right process because it is subjective and irrational. (Kelsen, 1996) Thus, the effectiveness of a rule of law would be an ethical problem, distinct from the legal problem of the validity and effectiveness.

Under this focus, it can make the statement that among more rustica a society, the greater the importance that the custom has as a source for the rules which govern it. As this society becomes more refined, the importance of custom decreases, getting to the end a character as attachment to this society gets new and different sources of law.

In Statist Theory of Law is assumed that the state has monopoly of legal production. Thus, the law understood sensu structu, emanates so and only the institutionalized legal body. This theory, in line to juspositivismo puts the custom in subordination to law Institutionalized. In this sense, Francesco Calasso understand than usual so only exist in the vacuum of law, born of his absence or his ineffectiveness. (Calasso, 1954)

While it is true that, in recent decades, the systems of Civil Law have relativizing largely this positivistic trend toward custom, markedly after the Second World War, the matter still remains little explored by local doctrines. As she enjoys Norberto Bobbio, in countries that adopted the positive regulation, the study of the usual and customary law is almost entirely delegated to international doctrine. (BOBBIO, 1967)

In turn, the countries of the common law, much less influenced by Roman standardization and the juspositivismo, the custom still has a central role in shaping

the law through the creation of a judicial precedent system tied to customs and tradition, Case Law.

In this context, international law takes on a different characteristic: because of its very nature, international law, public or private, admits as a source both positivised right, present at conventions, treaties and agreements, as customary practices, including decisions of international courts and practice in the broad vacatio legis that still predominates. The thorough study of the sources, type, international law would an article in itself, but more extensive publications.

Mutatis mutandis, the law of the Sea drinks of both aforementioned right sources, and despite Herculean international efforts to regulate the use of the oceans, such as the United Nations Conference III of the 1974 Law of the Sea, there is a large spectrum controversial or darks only met by custom.

3. THE HISTORY OF MARATIME LAW

3.1 ANTIQUITY

At the dawn of civilization, as did the need to establish rules to govern on ancient societies. The precariousness of transportation and communication that time had imposed great difficulties in relations between men from distant places, which were governed by their own cultural locus, often contradictory and conflicting. If one thing was sacrilege in one place, could well be sacred in the other, and there was no way to know until you get there!

This need became exponential as civilizations refined it socais their rules and trade expanded, reaching more distant locations and encountering increasingly with unfamiliar customs and the barriers it imposes. Certainly questions have arisen that may seem trivial today, but in those times should have been an intellectual and moral challenge for the masters of laws: Foreigners must follow our law? And to what extent? We must follow the law of foreigners? And if it is contradictory to ours?

Leveraged by the needs and solutions of increasing trade, ancient civilizations sedimented practices that have become an integral part of the social fabric. The need for solutions that facilitate the exchange of goods led to the creation of a practical

system that was built into the very concept of barter: fairness, fidelity and good faith. (DAVID, 1976. p. 90-577)

At this early date, there are few records of legal frameworks and when there were, were often linked to religious authorities, and often confused: the law of the gods was the law of men. Thus were the Egyptian legal system, Hebrew and Mesopotamian. At this time, the Code of Hammurabi has emerged as the oldest legal status ever heard, and already plasmavam customs sedimented by Mesopotamian people on a rudimentary international law. (Martins, 2008)

Among the civilizations that existed in these early days, the Phoenicians exercised early influence on maritime law This civilization, which flourished around 1200 BC in the lands where the current states of Syria, Israel, Lebanon and Palestine, comprised brave browsers founded numerous colonies in the Mediterranean, among which the most famous Carthage. They were the first to go beyond the Pillars of Hercules (existing headlands at the eastern end of the Strait of Gibraltar), spreading terrible rumors about what they found there to deter competitors.

The influence of maritime customs of the Phoenicians can be observed both in the Code of Hammurabi and in the Tabulas of Jerusalem. These two codices had, for example, the practice that began with the Phoenicians browsers, "in the case of a ship, to avoid sinking, had to leave property at sea, the losses would be distributed by weight, not by value." (PURPURA, 2002)

Eventually, the place of the Phoenicians as a major Mediterranean naval power was taken by a looming Greece. Compelled to navigation for its exceptional geographical location, lack of fertility of the soil and concentration of land in the hands of the nobles, the Greeks soon founded numerous colonies in the Adriatic Sea and the eastern Mediterranean Sea.

And in its most classic character, this archaic Greece developed the first embryonic form of an international organization: the Anfictiónias.

The Anfictiónias were associations of cities or neighboring tribes for celebration of religious rites for particular deity or protective particular temple. Delegates from various cities in anfictiónica League attended a common temple, when all hostilities were temporarily suspended. Originally directed to a spiritual character, these meetings soon became stage for rudimentary political agreements

among members. Among these agreements, many of them aimed to humanize wars between cities, halting peace agreements and trade and prosecute offenses against the law of the Gentiles.

The anfictiónias appeared for the first time concerns about the territorial waters of each city, and with them the first forms of ownership of the sea, even in precarious. (CAMPOS, 2006)

Subsequently, the Roman expansion brought about a change in the paradigm of relations between man and the sea to the Mediterranean civilizations. During the development of Latin legal system, which immediately differed by their coding, the sea was putting together the set of the Ius Gentium rights. This term indicated a cluster of rules governing on what was common to all people as an important tool to discipline the relationships of ethnic groups and cultures within and outside of Rome constantly expanding. (LOMBARDI, 1947)

In the Corpus Iuris Civilis, Gaius Gaius marks the dichotomy between the Ius Civilis and the Ius Gentium, comparing the latter to the natural law stating that "summer quod naturalis ratio inter omnes nomine constituit, id cited omnes populos peraque custoditur, vocaturque ius gentium, quasi Qup iure utuntur omnes gentes "(PUKENIS, 2005)

In turn, Upiano describes the Iuris Gentium as the manifestation of the divine will, while the Iuris Civilis as the manifestation of men's will: "quo utuntur Humanae people, quod the naturali recedere facile intellegere licet, quia illud omnibus animalibus, hoc solis hominibus inter se sit commune. (PUKENIS, 2005)

The Ius Gentium, so it was a representation of "respect for the nature of the thing", even though its main foundation of vehicle and dissemination has not been a gradual and spontaneous sedimentation, but through decrees and by preator jobs peregrinus[2], Note that this encoding, or the previous belonging to the Law of XII Tábulas, away from the usual character of Roman law, which still had the iuris et necessitatis Opinio its largest base.

In a principle, relations between individuals of Rome were agreed in pacts or mediated by judges, but with the expansion of the Roman trade across the seas, it

[2] Preator was a charge associated with judicial functions in Ancient Rome. There were several types of preatores, including urban preator and the pilgrim preator (peregrini being the term used for cities without Roman citizenship). The Preator was a magistrate invested with extraordinary powers equivalent to modern judges, busy in propagating the Roman law for all territories conquered and occupied by non-Roman.

became necessary the participation of a new figure, the preator peregrinus, to settle conflicts between Roman citizens and foreigners, not only applying the Roman law, but also using local customs and procedures, based on naturalistic relations among men.

The Law of the Sea in the Roman law, was part of Ius Gentium assembly. Under a primitive feeling that was later expressed in the Mare Nostrum, the Roman order did not accept the property from the sea as it was very common to all people, Roman or barbarian. This does not exclude that Rome has exercised in other ways, dominion over the seas, as shown by the pact signed between Romans and Carthaginians that allowed the vessels of both bandeirais through another domain in case of storms or in pursuit of pirates. (Arangio-Ruiz, 1964)

The Ius Gentium, due to its international and customary character, became the first draft of what later became one Lex mercatoria European. The growing need for an efficient international maritime rules for trade was marked by a Roma increasingly central and expansive. And thanks to the close relationship between Rome and Carthage. (Arangio-Ruiz, 1964) The Ius Gentium received considerable influence of Phoenician provisions, including institutes like nauticum foenus, shipping contract, because of the risk of cargo loss on the high seas, established a Pecunia the borrower / recipient to guarantee any damages. (Marre, 1840)

The influence of Latin legislation, especially thanks to preator peregrinus, imported into a transmutation in the legislative archetype used by other contemporary people. For the Law of the Sea, the most important of these influences was undoubtedly the Law of Rhodes (or Lex Rhodia of iactu*).*

This set of devices was built in the Greek city of Rhodes, considerably greater maritime power of the pre-Christian Mediterranean, both in military power as for its merchant fleet. This singular importance resulted in ordinary use of the Rhodes Law by the Mediterranean Sea browsers, which continued for centuries even during the decay of the Roman Empire, having particular influence on the future Lex Mercatoria. (NAPOLI, 1934)

The Rhodes Act was a tool not only used for commercial areas, but also dealt with technical issues of navigation, such as the provision of instruments and tools, and the rescue of damaged ships or cargo ships wrecked. Among these provisions, the law provided for the equal division of the damage when the need to launch cargo

ship to prevent it from sinking, or the division of the amount required to pay the ransom for a hijacked ship or the concert event is plundered by pirates, clearly on the influence practiced by the Phoenicians centuries before. (Zeno, 1934)

Another institute instructed by the law of Rhodes was the operis locatio, which attributed responsibility to the shops and merchant guilds to register the contracts made and in progress, both as labor browsers as the navigation. In short, this law established equitable responsibility between contracted and the contractor, helping to reduce the risk of navigation, and therefore, the expansion of this medium. (D'AMELIO, 1934)

3.2 MEDIEVAL ERA

The split of the Roman Empire between East and West and the back drop of the latter brought changes both in social and political panoramas as the legislative to the Mediterranean and European civilizations. Several legal significance of events marked the beginning of the medieval era: the Justinian aspiration to revive the Roman world elements and the consequent influence the Byzantine code for it compiled would have for the rest of the West; the organization of European people about new forms of public authority: the kings and feudal lords, based on the principle of both the Pope Gelasius I authorities; institution of the Catholic Church as the primary legislative power in the West and depository of Greco-Roman knowledge; and the contrast between the West and the East, which culminated in the Crusades and the Spanish reconquest.

The Roman legal legacy continued to persevere even after the fall of the Roman Empire in the West. The encodings of Iuris Civils and Iuris Gentium found his legacy in Catholic digests in the Justinian code and training institutions, markedly the Catholic Church, which has absorbed in its canonical hierarchy and right various institutes originating from the Latin provisions. (Calasso, 1954)

During high Middle Ages, the distinction between public law and private law was, at best, blurred. The vacuum left by the decline and fall of the Roman authority allowed the flourishing of the Germanic legal systems, demarcating the distinction of embryonic way. (Calasso, 1954)

The German law was based on customary rules, using as its legal standards disseminated by the central apparatus habits, both as political partners, which found its greatest expression in the feudal system Vassalage. During the ninth and tenth centuries, the feudal system reached its moment of greatest prosperity, during which the custom reached position of supremacy over the law during socio specific historical conditions that led to fragmentation of the state and the supremacy of authority publishes instructed by Roman doctrine. (CALASSO, 1954)

This time is the genesis of particularism, not only as political and institution, but also the legal, social and cultural fields. Custom, in fact, began to propagate the idea that state power was unable to meet the social and individual needs. This view gained further momentum with the eventual dissolution of the Carolingian power, ushering in a long era in which national powers, the manner of the ancient pre-Christian empires, not thrive. (Calasso, 1954)

In the East, takes place at this time is the flourishing of Islamic law. Influenced by Oriental provisions in the Mongol horde and Islamic theological often her very being contradicted the basic principles of Western law, possibly creating an Eastern x Western legal dichotomy which would serve as a bulge to the conflict between Muslims and Christians that would take shape in this era.[3]

During this period, the Law of the Sea has undergone a stagnation that lasted nearly a thousand years. The trade slump that was sustained during the low Middle Ages led to the fragmentation of customary norms. After this period, since the low average age, there is a process of reorganization of the customs used by navigators, revealing an international nature right, not just because it started to be used in a pluridade legal systems, but also because it was based on assumptions environmental and professionals who surpassed the boundaries of local customs. For this reason maritime law developed in this period is known as ius commune maritimum. (GAETA, 1965)

[3] Islamic law, or Sharia, in broad strokes, is generally understood as the set of regulations, rules and ordinances that apply to all aspects of life both the Muslim individual, the community of the faithful. The Sharia sources are the Quran - holy book containing the revelations of the archangel Gabriel to Muhammad - and the Sunna - the set of behaviors and sayings of the prophet, being, as it is believed immune to mistakes and divinely inspired. Thus, in Shaira, the legislature is not man, but God, putting public life and personal as well as all things to the divine will is recommended to read the text: NASSER, S. H. Direito Islâmico e Direito Internacional: os termos de uma relação. Revista Direito GV, v. 8, p. 725-744, 2012.

Contrary to occurred in the high Middle Ages, where the institutional dispersion and isolationism were common practices, the low average age underwent a political and economic reorganization that brought undeniable progress, especially those which relate to the recognition of freedom of trade, coming from a coexistence between communities that was very different from the one promoted by Rome: the different kingdoms and fiefdoms came to be perceived as equals, promoting the need for creation of an international regulatory system that would regulate this new multilateral context.

In parallel, the coming technical advances of trade between East and West, facilitated by the event of the Crusades, allowed the emergence of a reappearance of nautical exploration. Between the twelfth and fourteenth centuries is the arrival of the Vikings in Greenland and North America, while Portuguese and Italian browsers navigate the Cape of Good Hope, so finding a direct sea route to the Far East without going through the contentious Caliphs of Abbasid dynasties and Fatimid Egypt and the Middle East. (Angels, 1992) Yet this time was the outcrop of important and powerful merchant cities of the Mediterranean Sea, such as Genoa, Venice, Barcelona and Trani.

The development and crystallization of the Law of the Sea in low-medieval Mediterranean found itself supported mainly in rhodium-Roman provisions contained in the Book XIV's Digest and the Book LIII Basilica (CORRIERI, 2010), demonstrating the continuity of inherited practices by Lex Rhodia of iactu, and previously by the Ius Gentium.

Among the most important legal productions at this time is the Nomos Rhodion Nautikos or Legge Pseudo-Rodia, originated in compilations of Justinianas sources on the Law of the Sea This regulation had a customary character that finds its direct source in the Lex Rhodia of iactu and other sources of the Roman era. It included various practices of ethical and pragmatic nature that were used by merchants and the Adriatic Sea browsers, both as Roman array of oriental inspiration.

This standard reached its greatest influence at the end of the High Middle Ages, following the revival of European trade, and was not limited solely to echo the Greco-Roman practices of old, introducing advanced and innovative institutions that responded to the complexity of maritime commercial contracts that time, for example the principle that postulates the freedom of navigation both in Pelagos - the deep

waters considered high seas - when the territory considered aquae nostrae, under the control of the local authority.

The Nomos Rhodion Nautikos had great influence on all the merchants powers of the Mediterranean Sea, which consolidated its military power and merchant, found it necessary to draw up rules that accompany the increasing complexity of trade relations, especially dealing with legal conceptions too different in the case, Muslim and Hindu. Among the legal production born in this context, we highlight the Pacta - compilation of trade agreements among Italian merchant cities in the centuries X to XIII, the Constitutum Usus of Pisa, indicating which tools to use to resolve conflicts - law or customs (Xerri Salamone, 2008) and the Libre de Consolat de Mar, which was a compilation of customs produced in Barcelona in the fourteenth century, and which was applied throughout the western coast of the low-medieval Mediterranean, with translations in French, English, Dutch it's Italian. (CORRIERI, 2010)

Among these legal productions, stands out in importance the Statute of Venice, published in 1477, which included provisions for navigation that although faithful to the Byzantine-Romanesque tradition, had an advanced system of rules that took into account the new business contexts and technology of the time, so conspiring to raise Venice main Mediterranean power of the XV century.

The most important of the mechanisms provided for by Venice was the design of the Mare Clausum. In defiance of Roman classical conception of the sea as Ius Gentium, the Mare Clausum assumed the exercise of sovereignty of a people of Venice on the Mediterranean, thus imposing the will of Venice - and its benefits - the whole relationship even made beyond their ports. (CORRIERI, 2010)

The provisions of this statute inspired similar legislation in other merchant cities like civitatis Statuta Pharae of Ancona 1643 and Decisions of the Consuls of the Sea of the City of Trani, compiled in 1603. (CORRIERI, 2010)

On the north coast of Europe, stand out, besides the Libre de Consolat de Mar, the Laws of Oléron, originating from the judgment of the Court Oleron Maritime, widely used in western coastline European Atlantic, and containing several of the customs observed in commercial traffic between France, Spain and England in the eleventh century; the Wisbuenses Laws, or Gothland of Maritime Law, created on the Swedish island of Wisby and sanctioned in 1505 by Copenhagen, with a transcript of

the laws of Oleron, extracts of the Laws of Amsterdam and the statutes of the Hanseatic City of Lubeck. Wisby was the center of the Baltic Hanseatic League, home to wealthy merchants and more than 200 stores. These devices, even if in a rudimentary way, already provided for the possibility of exercise of sovereignty over the seas (Mare Clausum), contributing to the consolidation of this custom, which would be of great importance for centuries to come. (PURPURA, 2002)

The point of convergence between northern and southern coast of Europe came to the French compilation of the sixteenth century known as Guidon de la mer, which although possessing a limited scope, restricted to compile customary rules used in Italy, France, Spain, Marseille and the Netherlands, contributed to the formation of the ius commune maritimum (PURPURA, 2002) and that was the basis for the L'Ordonnance touchant la marine, donnée au mois d'Août 1681 Louis XIV.

3.3 THE MODERN ERA

The fall of Constantinople[4] in 1453, resulted in difficulties in trade development between the West and the East. The ostracism growing among European Christian states and the African and Asian Islamic nations brought the need to seek new routes to bring much needed Indian spices. At the same time, inspired by Aristotelian ideas rescued by the philosophical and scientific Renaissance, and under the auspices of an incipient mercantile revolution, the absolutists States came in to address a trade requiring greater political stability and tax.

The consolidation of absolutist states brought a change in the paradigm of European Legal production. The doctrine of Jean Bodin on the Divine Right of Kings creates confusion between nature and man (physis and thesis). As monarchs had the divine power to govern their own accord would be the expression of God's will, and therefore their decisions correspond to the nature and already would enjoy validity at independence the will of the subjects.

The consolidation of the kingdom of Portugal opened the door to the formation of Absolutists States, and therefore a greater dimension in offshore exploration and

[4] Fall of Constantinople is called the conquest of the Byzantine capital by the Ottoman Empire under Sultan Muhammad II command, on Tuesday, May 29, 1453. This marked not only the final destruction of the Eastern Roman Empire, and the death of Constantine XI Palaiologos, the last Byzantine emperor, but also the strategic conquest crucial for Ottoman rule over the eastern Mediterranean and the Balkans. The city of Constantinople remained the capital of the Ottoman Empire until the dissolution of the empire in 1922, and was officially renamed Istanbul by the Turkish Republic in 1930.

commercial European capacity. Embryonic mercantilist doctrine already had the parallelism of state power to the wealth accumulated by this, and in this context, the Monarchs did not cease efforts to establish monopolies on products, regions or routes. (PURPURA, 2002)

This quest for riches, the core of the spread of Christianity and a number of revolutionary technological advances, were the main drivers behind the discovery of the Americas by the Spanish in 1492 and eight years later, in 1500, Vasco da Gama arrived in Brazil.

Despite the existence provided the Bull Romanus Pontifex, granted in 1452 by Pope Nicholas V and which determined the exclusive domain of Portugal over the lands found beyond the Azores, the discovery of abundant land provoked the contempt from Spain to this decree. Recourse to Pope Alexander VI, of Spanish origin, was granted to the Kingdom Spanish in 1493, the Bull Inter Coetera that "imparted" the new world between Spanish and Portuguese, establishing a Mediterranean passing 100 leagues of the Azores and Cape Islands green, with all finding the west for Hispanics and east to the Lusitanian. This division did not like Portugal, which pressured the Holy See to edit a new Bula Inter Coetera, re-setting the limit to 270 miles to the west of that previous. (CASTAÑEDA DELGADO, 1968)

Formalized the agreement, the Treaty of Tordesillas was drafted [5], and a series of treaties which over the years has been defining, among many other matters that concerned the two kingdoms, the distribution of new land. Within the Law of the Sea of the spectrum, it is important to note that this treaty imparted not only the land but also the dominion over the waters. This position coincided with the beginning of the Mare Clausum. (CASTAÑEDA DELGADO, 1968)

Although the Holy Pontiff only possessed power to donate, that is, to recognize the possession of Portugal and Spain on these new lands, and the bull a purely declaratory nature, church positioning it on international matters had binding force between the Christian kingdoms, wrought both in tradition and in the Thomistic

[5] The Treaty of Tordesillas, signed in the Castilian town of Tordesillas on 7 June 1494, was a treaty between the Kingdom of Portugal and the newly formed Kingdom of Spain1 to divide the land "discovered and undiscovered" by both crowns out Europe. This treaty was the result of the Portuguese challenge to the claims of the Spanish Crown resulting from the voyage of Christopher Columbus, who a year and a half earlier had reached the so-called New World, claiming it officially Isabel the Catholic. In the context of international relations, its signing took place at a time of transition from the hegemony of the Papacy, power hitherto universal, and the affirmation of the unique and secular power of national monarchs - one of the many Middle Age transition of facets to the Modern Age.

conception of Canon Law. The division of new lands between the Iberian nations generated a wave of protests and challenges from other European monarchies. In this sense, unhappy with the papal will, King Francis I of France said "ignoring the will of Adam clause that reserved the world only the Portuguese and Spanish." (PRADO JR, 1956)

The most important reaction against this division came from Holland: Written by Hugo Grotius as part of the work "De Jure Praedae" Mare Liberum it was a work commissioned by the East India Company to defend the principle of free Sea, in order to challenge the exclusivity Iberian dominance over America.

The ventral view of Mare Liberum is a rescue a Roman Ius Gentium, which presupposed the sea as a common good to all men, and therefore unlikely to exercise any ownership or possession over it. Ex nihilo novum sub sole, the Grotius idea had been widely exposed by several authors of the Spanish School of International Law, including being named by the Dutch for their reasons and reflections on maritime freedom. The Grotius credit lies in the coding of this idea, making it tangible for practical use. (CONFORTI, 2006)

The idea defended in Mare Liberum was strongly opposed, especially the English jurists. Among them, we highlight the William Welwood efforts with the work De Dominio Maris and Jhon Selden, with Mare Clausum. The latter was ordered by King Jacques I of England. The idea advocated in both works was an update of perception used in the Statute of Venice and settled in practice by northern states of Europe. The principle of Mare Clausum was based on the conception that the sovereignty of the riparian states was directly linked to the exercise of this in the seas that told him interest, drawing a parallel between these territories and land borders.

Another major opponent of the Mare Liberum was the Portuguese Serafim de Freitas, who published the book fair from lusitanorum Asian empire, which was used different arguments to the English, but with the same purpose to challenge the principle. (VARGAS, 1979)

The freedom that the Mare Libertum was not total. The author defended the presence of States in bays, gulfs, straits and seas near land. Referring breadth of the territorial sea, Grotius defended the visual range. In later works, he defended other limitations, such as the range of the guns placed in the ground.

The importance of Mare Liberum comes to put on the agenda the debate on the extension of the territorial sea and the ways in which states could exercise its sovereignty over them.

Another modern codification receiving highlight is the L'Ordonnance touchant la marine, donnée au mois d'Août 1681, inspired by the political and French economist Jean-Baptiste Colbert. This land was made for the implementation of practices in force in the Adriatic and Tyrrhenian Sea, the Hanseatic sources and compiled into what Guidon de la mer, all in harmony with the traditional principles of the Roman tradition. (Scialoja, 1943)

This codex marks the transition of the Law of the Sea, a consumerist mold, although written for a coded matrix with Roman inspiration. He obtained such influence that it has been incorporated, in whole or in part, in several other encodings, as the Book II of the Commercial Code Napoleonic 1807, the Ordinances of Bilbao City 1737, the Edict of Marine and Tuscany Navigation 1748 , the Austrian mercantile navigation Edict of 1774, among many others. (LEFEBVRE D'OVIDIO, 2001)

To incorporate customs of different legal systems and different realities so successfully, it demonstrates the tendency of the spontaneous formation of customs, rules and traditions of different places to walk toward a uniformity of jurisprudence, laying the basis for what can be later Globalisation called Law. (LEFEBVRE D’OVIDIO, 2001)

The Utrecht Peace Teaty of 1713 was an attempt to establish the immunity of merchant ships in wartime. Based on the Anglo-Saxon attitude to block all shipping traffic in the north European coast during the Napoleonic Wars, affecting even neutral flags ships. This initiative has received special attention from the British, who by then established their hegemony at sea, but denotes the growing international concern about the Fangs and neutral ships flags during an armed conflict. (RUSCHI, 2007)

The Treaty of Paris of 1783 or the Treaty of Versailles, which marked the end of the American Revolution, has established an exclusive fishing area to the United States, adopting for the first time the measure proposed by Grotius of the territorial scope of three miles, a measure that would be called Maritime Légua. This is a time of singular importance for the Law of the Sea because it establishes the first notion

practice of contiguous zone, a concept that would eventually be adopted by all riparian countries. (RUSCHI, 2007)

The Declaration on the Right European Maritime in Time of War, signed in Paris in 1856, marked the end of the Crimean War[6], acquired a key role, not only for its content but also because for the first time, were deposited in written rules of customary international law.

Afraid to make any restriction on navigation in the Black Sea and the Straits of Bosphorus and Dardanelles, Britain, still the greatest naval power, accepted the commitment to permanently ban the Corso War[7]. Among other important provisions establishes a uniform framework for the field of naval blockades - so far only partially observed - and commitment on the part of England of maintaining peace through commerce ("Peace through trade"), which promoted the overthrow of trade barriers. This idea would echo again in the constitution of the League of Nations 60 years later.

The Paris Declaration has proven to be a great achievement for in terms of international relations and the Law of the Sea, indicating the first efforts towards political and economic integration of European nations in this regard, as well as an omen of positivism principles applied to matter international. (RUSCHI, 2007)

3.4 THE CONTEMPORARY ERA

The French Revolution, the Independence of the Americas and the American Civil War marked the beginning of the decay of the absolutist state model, and opens new forms of legal production. Under the flags of Economic liberalism and individualism Politico, new concepts such as freedom of peoples and independence of nations formed, would find their culmination in the twentieth century and would mark the development of law in this century.

To international law, the most important process is the globalization of law. Although tradados International existed from the Greek and Roman eras, it was from

[6] The Crimean War (1853-1856) was an armed conflict involving one side of the Russian Empire, and the other a coalition formed by the United Kingdom, France, the Kingdom of Sardinia and the Ottoman Empire, which featured Empire support Austrian. Involving the claims of Czar Nicholas I to annex the peninsula of Crimea, this war had special emphasis Corso Marine.

[7] The Corso letter was a document drawn up by a national authority that allowed the holder to attack any ship or village enemy. Those who carried these documents were known as Corsairs.

the Westphalia Peace Treaty[8] that these efforts took shape and form, developing doctrines and sources differed with national law and local states. The end of the nineteenth and twentieth century were marked by the efforts of international law - often fruitless - to promote peace and trade between the nations.

If the Peace of Westphalia was the bulwark of Public International Law of treaties in a modern guise, was the Congress of Lima (1877-1878) the first diplomatic conference to sign a multilateral agreement on Private International Law, the Treaty of Lima of 1877, which sought to establish uniform rules of international law and was signed by seven countries: Peru, Argentina, Chile, Bolivia, Ecuador, Venezuela and Costa Rica. Even in Latin America in 1889 it was held the Congress of Montevideo, which would lay the foundation for encoding (positivation) of the rules of international law [9], which until then were guided in customs, and what was its peak from the second half of the century.

The late nineteenth century and early twentieth were marked by two important international meetings: The Hague Congress of 1899 and 1907. The 1899 Convention, recognized as the First Conference of Peace, was summoned by Czar Nicholas II of Russia to try avoid a full-scale conflict that drew the arms race that major world powers, the "peace through strength". This conference, draw up various commitments that sought to humanize wars and conflicts provides, especially when it comes to disarmament theme.

The Law of the Sea of the plan, the First Conference of the Hague Peace ratified a number of devices that had been discussed in the Geneva Convention of 1889, which dealt with the fate of Wounded, Sick and Shipwrecked Members, the provision of water mines and the use of torpedoes, compiling various customs of maritime war, in an attempt to avoid the growing brutality demonstrated that modern conflicts. This treaty shows the first tears of a joint international effort in terms of human rights, yet so ignorant. (PIOVESAN, 2007)

[8] The Peace of Westphalia call (or of Westphalia, or Westphalia), also known as the Treaties of Münster and Osnabrück (both cities now in Germany), designates a series of treaties that ended the Thirty Years War and also officially recognized the United Provinces and the Swiss Confederation. The Treaty of Westphalia, signed on 24 October 16481, in Osnabrück, between Ferdinand III, Holy Roman Emperor, the other German princes, France and Sweden ended the conflict between the latter two powers and the Holy Roman Empire.

[9] GAMA JR., Lauro. Contratos Internacionais à Luz dos Princípios do UNIDROIT 2004: Soft law, Arbitragem e Jurisdição. Rio de Janeiro: Renovar, 2006

In the twentieth century, before the failure of the first Hague Conference on resolving the war escalation in Europe, the Second Conference of the Hague Peace is convened 1907. Like its predecessor, this conference demonstrated a strong concern with maintaining peace and humanization of war, (Bugnion, 2001, p. 901-922) proposing various mechanisms that would become, decades later, standards for international law. Markedly was the proposed establishment of a Permanent Court of Arbitration neutral to mediate conflicts between nations, be it economic or military character, that although he had previously been proposed at the conference of 1899, had not been previously modeled. (Bugnion, 2001, p. 901-922)

For the Law of the Sea, the second Peace Conference proves fruitful, not only by devices that have been released, but by the willingness of the international community to discuss the conflicts and peace at sea. In addition to the ratification of the instruments described in the Peace Convention of 1889, the Geneva Convention of 1889 and the International Declaration on the laws and customs of war Road 1874, it was added various materials to Warlike Law of the Sea, adapted standards and costumes used in terrestrial hostilities. (BUGNION, 2001, p. 901-922)

One of the most interesting devices to be provided for the Law of the Sea in this Second Conference of the Hague Peace was the attempt to establish an international court of Prey [10], issue that had been debated since the Peace of Utrecht, almost 200 years before and intermittently returned to be discussed in conflict occasions. Raised at the time by the German delegates, and with the only votes in contrast to the Brazilian and Turkish delegations, decided on the creation of this Court with the proposal to bring together the ideas presented by English, German, French and American. (BARBOSA, 2007)

Although the International Court Prey had not actually been made, approval was the first sign that the international multilateral institutions would be dominated by the great powers, which had enough political weight to propel its creation. To mold the future United Nations Security Council, this court included the setting of 8

[10] The International Court of Prey sought to mediate the problems involving the capture of merchant ships during an armed conflict. The term "Presa" is relative to the military jargon used to ship without weapons that are captured by the countries in conflict, ie a "prey" to a "Hunter", which would be the ship of war. Although the Hague Peace confer 1907 to establish the enemies tract so captured within the national territory of nations in conflict, often catch "prey" took place in international waters or ships sailing under neutral flags to the conflict, that drove the need to create an international body to mediate the problems that have arisen here. The court has not been successfully established for lack of ratification of the Convention XII adopted by the Hague Peace Conference of 1907, nor the London Peace Conference 1909.

members and 7 rotating, chosen among those nations with the highest tonnage of merchant ships.

When he later entered into question the approval of the Permanent Court of Arbitration, proposed in a similar mold, it suffered much opposition, especially by the Brazilian delegation. (BARBOSA, 2007)

The failure of the Hague Peace Conference was attested efforts with the outbreak of World War I (1914-1918). The confrontation between the Triple Entente and the Triple Alliance left a balance of about ten million deaths and immeasurable property damage, the repercussions can be felt to this day. The conflict reconfigured the political map on a planetary scale: powerful nations like Truco-Ottoman Empire ceased to exist; Britain lost hegemony over the seas was held more than 300 years; Central Europe, in particular Germany, was devastated and dilapidated in postwar, sowing the pretexts for an upcoming major conflict; Tsarist Russia transmuted in the threatening Soviet Russia while the United States emerged as the world's leading economic power. (Lohbauer, 2008)

The horrors of this first World War stemmed the initiative of President Woodrow Wilson, in setting up a multilateral international organization that seeks to prevent in the future the outbreak of a conflict of such magnitude. Under this vision, in December 1919, it was established the League of Nations, or the League of Nations.

The founding of the League of Nations was based on the Theory of International Relations, which can be described as "an approach to international relations that stresses the importance of normal values, the legal standards of international coexistence and harmony of interests that drive policy external considerations rather than the national interest, power and survival of a State to a multipolar system decentralized."[11]

This doctrine provides that in case of an assault made by a State, whether by war or economic nature, was the responsibility of other nations censor this behavior by taking the providences to make it illegal. This criticism only had moral character, and to a lesser extent, economic, in harmony with the principles of classical

[11]"*an* approach to international relations that stresses the importance of moral values, legal norms, internationalism and harmony of interests as guides to foreign policy-making rather than considerations of national interest, power and independent state survival within a multi-state decentralized system" EVANS, Graham, NEWNHAM, Jeffrey. The Dictionary of International Relations. London: Penguin Books, 1998, p. 235. Tradução livre.

liberalism, would find its peak at this time, for which it is inconceivable economically sanctioning of serious forms a rogue nation, regardless of their deeds.

Among the Fourteen Points raised by President Wilson, in his speech to Congress in which he proposed the founding of the League of Nations, the second and third point highlighted important for the Law of the Sea:

> "II - absolute freedom for navigation on the seas, in international waters, both in peace and war, except for seas to be closed as a whole or in part by international action for the implementation of international agreements.
>
> III - removal, as far as possible, of all economic barriers and the establishment of equality of trade conditions among all the nations consenting peace and associating themselves for its maintenance"[12]

This speech reveals the increasing concern of the United States, and later the international community, to establish the freedom of navigation in the seas and trade in a global and communally. It can track the sources of this position to the Mare Liberum Grotius, and, more radically, the concept of Pseudo-Legge Rodia in the high Middle Ages.

Based on Article 23, item *e*[13], of the Corporation of Nations Pact, which was organized the Conference in Barcelona in 1921, aimed to prepare the ground for future international conventions on freedom of transit and trade in the seas, as well as the demand for establishing a common regulatory framework for ports of countries members, with broad participation of members worldwide. Esta pretensão de universalização da normatização dos portos obedecia a uma aspiração universalista de estender a liberdade de comercio - incluindo o de navegação, a fim de promover

[12] From the original: "II - Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants;
III - The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance;" Available at < www.ourdocuments.gov/doc.php?flash=true&doc=62>, Acessed on: 03/09/2014. Freely Translated

[13] From the original: "ARTICLE 23. Sous la reserve, et en conformite des dispositions des Conventions internationales actuellement existantes ou qui seront ulterieurement conclues, les Membres de la
Societe:
e) prendont les dispositions nécessaraires pour asseurer la garantie et le maintien de la liberté des communications et du transit, ainsi que'un équitable traitement du commerce de tous les Membres de la Société étant entendu que les nécessités spéciales des régions dévastées pendant la guerre 1914-1918 devront être prises en considération;". Avaliable at <digital.library.northwestern.edu/league/le000003.pdf>, acessed on 03/09/2014

a recuperação e estabilidade econômica, pontos chaves tratados na Conferencia de Bruxelas de 1920.

This claim to universal norms of ports obeyed a universalist aspiration to extend the freedom to trade - including navigation, in order to promote recovery and economic stability, key points discussed at the Brussels Conference of 1920.

Freedom of transit and trade sought encountered barriers both in infrastructure progress difference of the countries members of society, as the resistance of European countries and the United States to liberalize immigration, widely held position by Latin American delegations and Asian, more liberal in this sense. (DECORZANT, 2013)

What matters for the Law of the Sea, the big controversy this convention dealt with on the status quo of so-called "international rivers". According to European doctrine and the provisions of the Versailles Treaty of 1919, the rivers suitable for river navigation and crossed several countries should be treated as a continuation of maritime waters, and therefore subject to international law. This design was mainly supported by the British delegation. In contrast, the Latin American delegations, especially the Brazilian and US, considered this claim as an affront to the sovereignty of law and the same principles of equality between nations and freedom contained in the Treaty of Versailles. (DECORZANT, 2013)

In the last instance, the quest for freedom of navigation and trade bumped the sovereignty claims of the world powers, which drew on the grueling colonization in Africa and Asia. This was also the tendency of the Hague Conference of 1930, which sought to establish a common regulatory framework among member states for the achievement of the territorial sea and liability for damages of states to foreign ships in national waters, but ran into wicked guided debates sovereignty issues without achieving an important consensus. (DECORZANT, 2013)

In 1939 breaks the Second World War, and with it the end of the League of Nations before the clear perception of their inability to provide for the same conflict that aimed to prevent, in particular by the lack of solid coercive mechanisms and the exaggerated primacy of the winning nations World War I.

The Second World devastated War dozens of countries and has taken the lives of millions of human beings, and it took the international community a widespread feeling that it was necessary to find a way to keep the peace between

countries, away from the cynicism that marked the League of Nations . The United Nations name was conceived by the then US President Franklin Roosevelt and first used in the United Nations Declaration of 1st January 1942, when representatives of 26 countries committed themselves to continue the fight against the powers of the Axis.

The United Nations Charter was drawn up by representatives of 50 countries present at the Conference on International Organization from April 25 to June 26, 1945 in San Francisco. The UN would begin to exist as an institution on October 24, 1945, after ratification of the Charter by China, the United States, France, Britain and the Soviet Union and the majority of the signatories. (REZEK, 2000)

4. MODERN MARATIME LAW

The creation of the Organization of the United Nations proved to be a milestone in the evolution of international law. Endowed with valuable instruments that ensured a minimum level of equity among its members, the UN proved to be effective in putting issues on the agenda that otherwise is difficult to find in a consensus.

The UN Foundation also established the beginning of a planetary effort to coding standards and customs involving the sea, driven by a globalization in expansion, the desire to explore the aquatic and underwater marine resources, and finally, the need to establish a clear grasp of sovereignty in a world that for decades would be polarized.

This positivation trend customs of international law can be traced from the Montevideo Congress in 1889, or more previously, with L'Ordonnance touchant la marine, donnée au mois d'Août 1681, but only from the United Nations Foundation United tone this exercise a universalizing feature.

Under this auspice is the Geneva Conference of 1958 in which the foundation was laid for future discussions regarding the Territorial Sea and the Contiguous Zone, a subject that had been the center of disputes of modern Maritime Law from the American President statement Harry Truman, in 1945, that marine resources 250 miles from the coast were unique to the United States. This measure had been

challenged by Latin American countries, including Chile, Ecuador, Peru and Honduras, which postulated the scope of the territorial sea to 200 nautical miles.[14]

This issue would be discussed again at the Geneva Conference of 1960 without yielding fruit. In 1970, several coastal Latin American nations, including Argentina, Brazil, Chile, El Salvador, Ecuador, Nicaragua, Panama, Peru and Uruguay met in Montevideo, from where you extracted the Declaration of Montevideo, in which all participating countries accept the use of 200 nm initially proposed the constitution of Honduras, 1950, in defiance of opposition from the United States and the Soviet Union. (VARGAS, 1979)

This measure of 200 miles was later also adopted by many African states, Asian and European.

The Declaration of Montevideo testified that, at least in terms of the Law of the Sea, the international relations were more balanced, especially in the case of the relevant Latin American pro-activity in this field.

The United Nations Conference on the Human Environment in Stockholm in 1972 resulted statements that served as the institutional framework for the treatment of the sea from this point forward. Articles 2, 7 and 21 of the Declaration on Environment extracted the Objective Responsibility of States for damage to the marine environment, including, for the first time, forecasts coercion and punishment for the offender State. (Angels, 1992)

In this same vein, the London Convention of 1972 Dumping and the International Convention for the Prevention Caused by Ships, 1973 guided monetary penalties to individuals who pollute international waters and allow navigation of vessels without the minimum equipment for the protection of the crew and tracking ships.

The more effort to positivization and universalization of the Law of the Sea rules was the Third United Nations Conference, 1974, in Caracas, Venezuela, which would result in the development of 320 articles and nine annexes, by delegations from 153 countries, and enter into force in 1994, the ratification without reservations by the quorum of 60 States.

This Third Convention sets standards for the scope of the territorial sea, the use of aquatic and underwater resources and the right of way of the Lambs vessels,

[14] Nautical Mile, and Maritime mile is a unit of measurement of length or distance, equivalent to 1852 meters, used almost exclusively in maritime and air navigation and measurement of sea routes.

among a myriad of other topics, which acquires special mention the creation of the International Tribunal for the Law of the Sea (Angels, 1992)

The International Tribunal on the Law of the Sea was born as an autonomous and independent entity that aims to resolve conflicts related to the use of the sea as well as deals with various aspects involving the maritime and air transport, and commercial and productive international waters.

The Court operates in accordance with the provisions of United Nations Convention on the Law of the Sea (notably Part XI, which relates to resources on the seabed and subsoil outside the territorial limits of States) and of the Court's Statute, contained in Annex VI of the Convention, being central forum available trims States and international organizations, public and private, to resolve disputes about how the Convention should be interpreted and applied. The judgments of the Court are final, and binding to the parties with regard to the particular dispute. The Court, however, does not have specific authority to monitor compliance with this decision, although they may be triggered by the Meeting of States Parties, the General Assembly and the United Nations Security Council. (ANJOS, 1992)

CONCLUSION

Since ancient times, it is clear the intrinsic relationship between the development of a universal conception of rights and maritime law Due to its primacy as a means of transport, source of wealth and cultural exchanges, we can say that without the sea, our relations legal, especially international relations, would be unrecognizable.

Starting from the earliest ages of mankind, you can see the crystalline form the process of formation of rules derived from the customary practices of merchants and travelers, and how these rules have evolved to become standards on the use of the sea, albeit rustic character . These standards took on new clothes as the legal relations between the different nations became more sophisticated, turning into real means by which the history of geopolitical relations has been shaped.

Example of the importance of the Law of the Sea on a global scale is the brainchild of Mare Liberum Hugo Grotius, which influenced directly or indirectly, provisions of the League of Nations, centuries later.

Importantly, as the evolution of the Law of the Sea is closely linked to developments in the trade. Since ancient times, when the first provisions of international law emerged with trade issues related to the sea, in the anthology Code of Hammurabi, to the modern global trade relations contained in the UN Convention on the Law of the Sea, this issue emerges as one of the most powerful tools for the realization of the market as the most important modern socio-political force.

Finally, the evolution of international law, understood in a broad sense, can be precisely traced to study the development of the Sea Law Since ancient time, guided by custom, to the coded modernity, the Law of the Sea was often a pioneer in the changes affect the internationalist doctrine as a whole.

Prospera hope that this brief article has revealed to the dear reader the odd importance of the Law of the Sea for the evolution of the law as a whole, and raise it to the level that no doubt deserves. The doctrine, national and international, is extensive on the Law of the Sea, like the importance of their devices to seemingly distant areas as the right of movement and environmental issues, hoping that this study will contribute, even if only very small way, to bring the matter to the classrooms of all scholars of Brazil Law.

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