

EXAMINING THE INTERACTION BETWEEN LEGAL PRINCIPLES AND FRAMEWORKS IN THE RESOLUTION OF MARITIME DISPUTES

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ABSTRACT

The settlement of maritime disputes takes the highest precedence within international law and this has been framed in an intricate synthesis between the underlying legal concepts and an interwoven fabric of domestic laws and the international laws. The article examines the legal framework of the maritime disputes, which include land retrieval issues, navigation claims and matters of the marine resources as well as the demarcations that involve the boundaries. It points to the fact that the same conflicts are conditioned not solely by geopolitical and economic reasons but also by the changing sensations of the norms of law. The main principles of the law included in the debate are state sovereignty, freedom of navigation, and equitable use of maritime areas that form the basis of dispute settlements. The paper is a critical examination of the operationalization of these principles through the trappings of binding conventions namely, the United Nations Convention on the Law of the Sea (UNCLOS) and how it is supported by the customary international law. It also looks into the evolving functions played by the national legal systems in constituting international obligations and enforcing the same in their territories. In addition, the paper compares and contrasts traditional and alternative dispute resolution process, both to litigation before the International Court of Justice (ICJ) and arbitral tribunals as well as resorting to mediation and negotiation. In conclusion, it contemplates on the legal and practical issues that still exist including the jurisdiction fragmentation, enforcement gaps and necessity of increase in legal integration in the face of technological and environmental changes. The above-listed insights, in turn, point to the necessity of the harmonized legal order to provide the effective governance of world maritime spaces.

Keywords: Maritime disputes, international law, UNCLOS, legal principles, dispute resolution, jurisdiction, arbitration, sovereignty, customary law, ocean governance.

I. INTRODUCTION

Maritime dispute is one of the most complex segments of the international law, which is interrelated with sovereignty questions, resources control and the environment protection, as well as the sphere of the global trade. With over 70% of the Earth's surface covered by oceans, the legal regulation of maritime spaces has become increasingly vital, particularly as states seek to assert competing claims over maritime zones, continental shelves, and strategic sea lanes. These conflicts normally come by the overlapping understanding of the maritime boundaries, sovereignty of islands and access to other worthwhile marine resources like oil and gas or fisheries hence the conflicts among the countries.

Such challenges have led to the development through the decades of a well-developed legal framework, mixing universal agreed principles with a variety of international conventions, customary norms and national legal instruments. Even though there do exist codified laws with

considerable rule of comity such as the United Nations Convention on the Law of the Sea (UNCLOS), the application to laws and their interpretation is drastically different in different jurisdictions, and peaceful settlement is sometimes difficult.

This paper attempts to look at the interplay between the legal principles at the basis and larger legal systems under which maritime disputes are handled. It shall discuss the application of international law into practice, the existence of national courts and tribunals and whether they are effective in settling disputes and the effectiveness of the dispute settlement methods. By so, the article makes an attempt to evaluate the leading as well as the shortcomings of the existing order in the current legal order in regulating modern day maritime conflicts.

II. NATURE AND CAUSES OF MARITIME DISPUTES

Maritime disputes are legal and political conflicts organised between one or more entities on the rights, duties, or rights of jurisdiction with regards to the maritime zones. These conflicts may include petty differences with regard to fishing rights to long worsted conflicts where both parties may claim that they have territorial and rights of access to strategic resources in common. One has to be able to identify the nature of these disputes and the reasons why they arise in order to understand the legal intrigues and geopolitical sensitivity of many such disputes.

1. Types and Nature of Maritime Disputes

Maritime disputes typically fall into several categories:

- **Territorial Disputes:** These deal with fierce arguments over sovereignty of islands, rocks or maritime feature that may have implications on the delineation of maritime zones by the UNCLOS.
- **Maritime Boundary Disputes:** It develops upon the appearance of conflicting claims of states to exclusive economic zones (EEZs), continental shelves, or territorial seas. This apparently has no defined boundary, which usually brings conflicts especially when there is abundant natural resource.
- **Resource-Related Disputes:** There are rights of exploitation of resources offered by farmers such as fisheries, hydrocarbons or minerals in waters by states during the dispute. These conflicts become aggravated by the fact that deep-sea exploration becomes more attainable and worth more due to development of technology.
- **Navigation and Access Disputes:** These are witnessed when states conflict on the passage right especially those strategic choke points, straits, or waters of archipelago. Among the problems there can be the restriction of both the military and the commercial ships which can cause problems regarding the freedom of navigation.
- **Environmental and Regulatory Disputes:** There are also disputes that can arise on the subject of maritime environmental conservation, pollution or even the enforcement of

regulations where there are overlapping jurisdictions and the nation may be having divergent standards or priorities when it comes to conservation.

2. Underlying Causes of Maritime Disputes

There are some of the background factors which contribute to the occurrence and existence of the maritime disputes:

- **Ambiguities in Legal Texts:** While UNCLOS provides a broad framework for maritime governance, certain provisions remain vague or open to competing interpretations—particularly concerning features like "islands" vs. "rocks" and their entitlement to maritime zones.
- **Historical and Colonial Legacies:** Most conflicts are based on historical claims, maps made during the colonial era, or treaties that do not correspond to the aspect of geopolitical reality nowadays. Comprising too much makes compromise politically awkward as such legacies tend to cause nationalistic feelings.
- **Resource Competition:** There is growing economic importance of the maritime areas because of oil, gas and fisheries that compel the states to be aggressive with their claims. This competition is acute in cases where there are abundant natural resources such as in the case of South China Sea or Arctic.
- **Military and security concerns:** The position of military or strategic interest to control strategic point in the sea could give the state advantages to spy in the sea or even in controlling the world trade lines. Consequently, they can even bother to give in over the legal requirements in favour of states.
- **Technological Advancements:** Improved capabilities for seabed mapping, drilling, and deep-sea mining have increased states' interests in asserting control over maritime areas that were previously inaccessible or economically unviable.
- **Ineffective Dispute Resolve Mechanisms:** In certain situations, the inexistence of effective and binding dispute mechanisms means that disputes are left to simmer without being solved in instances where powerful states decline the choice of third party adjudication or arbitration.

3. Geopolitical Hotspots and Examples

Among the marine conflicts which exemplify the discussed nature and causes one must mention:

- **South China Sea Dispute:** This is a dispute over claims of sovereignty by the China, the Philippines, Vietnam and Malaysia among others over an area that has overlapping claims over the access to fisheries and the major sea lanes.

- **Eastern Mediterranean Disputes:** The conflict over the right to the continental shelf and gas reserves on the seabed between Greece, Turkey and Cyprus is an example of how regional politics and the resource competition between states, overlap.
- **Arctic Ocean Claims:** The melting of the ice has led to growing claims by the countries in the Arctic like Russia, Canada and Denmark over the amount of land they claim as their lands and the legal questions have been emerging over how far this ocean can be nationalized.

To conclude, the mix of security, historical, mutual grievances, economic as well as legal hindrances determines the course of the maritime disputes. To address them, one would have to consider them through the prism of both legal systems governing the area as well as political realities that affect the behavior of the state.

III. CORE LEGAL PRINCIPLES IN MARITIME DISPUTE RESOLUTION

International law and more so the UN Convention on the Law of the Sea (UNCLOS), customary international law and general principles accepted among the civilized nations form much of the background of the core aspects of the rules that are applicable in resolving the maritime disputes. These principles form the basis of the norms on which rights and duties in the maritime are defined, construed and followed. They must be applied regularly to achieve fairness, predictability and legal stability of the maritime governance.

1. The sovereignty and sovereign Rights

The difference in sailing between sovereignty and sovereign rights is one among the major operates in the maritime law. The coastal states have complete sovereignty in the territorial sea (to 12 nautical miles as measured from the baseline) over the airspace, the seabed and subsoil. In addition to that, coastal states have sovereign rights in Exclusive Economic Zone (EEZ) and in the continental shelf: they include restricted rights of exploration, exploitation, conservation, and management of the natural resources.

This distinction usually forms the basis of controversy especially in cases when the states make too much claims of sovereignty into a territory where only sovereign rights are known to apply. This is the distinction worth considering that is needed to determine the winning side of competing claims under the international law.

2. Naval and Overflight liberties

The second principle is the freedom of navigation as one of the central provisions of the law of the sea, allowing ships of any state-notwithstanding which state its flag belongs to-to navigate through the high seas and the EEZs without being hindered by the others, with certain exceptions. Aircraft freedom to overfly the high seas is also covered in this freedom.

News of quarrelling occurs when the coastal countries apply limitations on the foreign naval or trade ships in manners that may be a contravention of this principle and therefore, a debate has been raised

on the relationship between the security interests of coastal states and navigation freedoms of the world at large.

3. Fair and Amicable resolution of differences

Section 279 of the UNCLOS requires that disputes between the states concerning the sea should be settled peacefully, in order to be in line with the United Nations Charter. The rule of equity also plays an important role especially in the area of delimitation and a maritime boundary, where the international courts and tribunals attempt to find a fair solution of taking into consideration geographical, economy, and history.

This is a principle regularly cited in case of boundary defaults where application of binding equidistance would have come with unjust consequences because of the geographical peculiarities or the length of the coastal lines.

4. Right against annexation of Territory by force

In keeping with the rest of the international law, the law of the sea does not allow the acquisition of territory by the threat or otherwise threat of using force. The principle also applies whereby states have occupied or claimed maritime features in a coerced manner. Legal solutions cannot, however, take into consideration these acts but base it upon legal right, historical precedence and norms of law.

5. Unquestionable Obligation to Collaborate and Avert maritime Wrongdoing

The states under UNCLOS and brass law are required to cooperate in conserving and keeping marine environment, especially the areas that fall beyond national jurisdiction. They should also deter, mitigate, contain and eliminate sea pollution and they should also act in good faith when carrying out any activities in the maritime zones which are common or closest to each other.

The principle is used in the argument in cases of jointly managed resources, of notification, and precaution when it comes to environmental degradation or management.

6. Regard of the Existing Legal Titles and Agreements

In cases where there is bilateral or multilateral treaties, agreements or any known legal titles, they override in settling disputes. The international law values the stability and continuity of the law, that is, states are unable to abandon or re-interpret agreed treaties without legal repercussions on their own. The principle plays an important part in the study of the past treaties and previous agreements of delimitation in the scope of the maritime conflicts.

To sum up, all these are the fundamental legal principles related to the assessment of the maritime claims, as well as dispute settlement. These principles are found in legal instruments like UNCLOS although most of them are usually interpreted and applied depending on the judicial precedents, diplomatic negotiations as well as emerging standards. Such principles help one arrive at a clear understanding of a legal, fair, and sustainable plan to solve any maritime conflicts.

IV. INTERNATIONAL LEGAL FRAMEWORKS AND CONVENTIONS

Regulation and resolution of the maritime disputes takes place within a multi-layered complex of the international legal instruments forming the global legal order of the seas. These organizations define the entitlements and obligations of nations in waters, processes adopted in resolving the disputes as well as modes of concerted efforts and enforcement. This regime as its main source refers to the United Nations Convention on the Law of the Sea (UNCLOS), which in its turn is complemented with other international treaties, agreements, and customary arrangements.

4.1 UNCLOS and Other Key Instruments

The UNCLOS, adopted in 1982 and in force since 1994, is often described as the "constitution of the oceans." It entails the most detailed legal regime that determines every dimension of the ocean space, such as navigations, exploitation of the available resources, the protection of the environment, and settlement of disputes.

Among the major contributions of the UNCLOS there are:

- **Zonal Classification of Maritime Space:** UNCLOS establishes clearly different zones of the maritime space including the internal waters, territorial sea or a 12 nm zone, contiguous zone or a 24 nm zone, exclusive economic zone or a 200 nm zone, and the continental shelf. It also stipulates the rights and the duties of the coast states and the other states regarding every zone.
- **Maritime Boundary Delimitation Rules:** UNCLOS provides the rules of delimitation of maritime boundaries to be used in areas of overlapping zone, essentially entailing reaching an equitable solution to the delimitation situation depending upon prevailing circumstances.
- **Mechanisms of Disputes:** UNCLOS provides binding dispute resolution mechanisms such which include the international tribunal on law of the sea (ITLOS), the arbitral tribunal under the annex seven, the use of the ICJ and so on.
- **Regulation of Activities in Areas Beyond National Jurisdiction:** It governs the high seas and the deep seabed (the "Area"), recognizing them as the common heritage of mankind and placing them under international administration through the International Seabed Authority (ISA).

Other legal instruments are crucial besides the UNCLOS and they are:

- **Geneva Conventions on the Law of the Sea (1958):** Geneva conventions are predecessors of UNCLOS, and their provisions are still part of legal thought: when the law of UNCLOS is silent, or where states do not participate.
- **Regional Agreements:** Examples of regional agreements are the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) or fisheries management agreements: these provide a regional regime of governance.

- **International Maritime Organization (IMO) Conventions:** These manage the security of shipping, marine pollution and labor standards at the sea, as well as usually applicable in conflict with operations.

4.2 Customary International Law

Although the law of the sea is heavily codified into treaties such as UNCLOS, the customary international law remains absolutely vital, often to non-party states and to the jurisdictions not covered by treaties. The customary law derives out of the practice whereby the state is consistent in its practice and has the belief that it is legally binding to this practice (*opinio juris*).

Other significant conventional basis of the maritime law involve;

- **Freedom of the High Seas:** This principle is admitted way before the advent of UNCLOS where all states are entitled to navigate, fish, lay cables and practice scientific study in the high seas.
- **Innocent Passage:** The freedom of the siblings of a coastal state to transfer the terrak in its territorial waters, as long as the same does not have an unfriendly attitude to the cordon, good order, and security of the state is the customary rule that has long been-established.
- **Principles of Equity in Delimitation:** Long before UNCLOS, the international tribunals had used the principle of equity in settling the disputes concerning maritime boundaries in international waters based on, among others, geography, proportionality and historic usage.

The customary law particularly comes in handy when the provisions of UNCLOS are uncertain, controversial or nonexistent. Since the maritime law is based on ambiguities, customary norms are used to shore interpretative gaps in pre-existing rules, thus facilitating continuity and generality of the law in the form of common law.

In combination, UNCLOS, other treaties and the customary international law create a mutually interdependent structure of regulating maritime behaviour and settlement of disputes. Although, UNCLOS is the central point, a dynamic relationship between all these sources can exist because of the relative reality of changes and circumstances of ocean governance based on a multipolar primitive global world.

V. ROLE OF NATIONAL LEGAL SYSTEMS AND JURISDICTIONAL ISSUES

Although the international regimes like UNCLOS establish a general and binding regime that is used to regulate maritime activities, application of international rules, enforcement as well as interpretation usually relies on national legal systems. States have the duty of putting obligation of the international law into their domestic laws and exercising jurisdiction in the zones of maritime under their control. Such a two-level involvement in law as international and domestic one forms an intricate environment in which such aspects as overlapping jurisdictions and legal inconsistencies may both contribute and impede toward peaceful resolution of maritime disputes.

1. Enforcement of the International Law on the domestic legal frameworks

The national legal systems are very important to the operationalizing of international maritime law. States have to take local legislations to implement the UNCLOS and other entailing treaties-which include the following areas:

- Maritime boundary claims and Baselines
- Management of the fishing and resource harvesting
- Environment aspects of protection Environmental protection aspects
- Shipping regulations and Port state control
- Criminal jurisdiction of piracy, smuggling and over illegal fishing

The level and procedure of incorporation changes. In monist systems the international treaties can presetively become pieces of domestic law after being ratified. In dualist systems, formal action on the part of the legislature is necessary. Such disparities may give rise to the variability in the manner of maritime rules application and enforcement in different jurisdictions.

2. Types of Jurisdiction and Connotations of Jurisdictions

UNCLOS classifies the sea into areas, with the rules being different jurisdictionally:

- **Territorial Sea (up to 12nm):** Coastal states have complete sovereignty over the sea which has to be granted innocent passage to the foreign vessel. States are allowed to control navigation, customs, taxation and pollution.
- **Contiguous Zone (12-24nm):** States are permitted to interdict breaches of any laws concerning customs, immigration and sanitation within this 12-24nm band.
- **EEZ, (up to 200 nm):** In an exclusive economic zone, states that border the sea enjoy the sovereign privileges to explore the resources of the seas and control the environment, but observing the navigational freedoms of other states.
- **Continental Shelf:** The area is geographically within a 200nm radius, and the resources may extend further such as seabed resources and subsoil resources.
- **High Seas:** All states can manoeuvre on it; the jurisdiction is normally restricted to flag states, except where otherwise (e.g. piracy, slavery, unauthorized broadcasting).

The extent and operation-exercise of jurisdiction within these zones is most of the times disputed. As an illustration, one can say that a coastal state can claim that the military exercises in its EEZ are under its control, whereas other states refer to its right to freedom of navigation.

3. Issues of overlapping juristic and disputing adjudgery.

There is a constant reoccurrence of maritime disputes whenever two or more states claim similar rights to a certain piece of territorial water, which includes:

- A conflictual claim on EEZ or the seabed continental shelf
- Sovereignty conflicts involving islands or rocks that involve maritime zones
- The taking of enforcement measures in disputed waters (e.g. seizure or arrest of an vessel)

In these circumstances, national governments are allowed to implement laws of their country in disputed regions with the potential of causing potential diplomatic tension or conflicts. The dilemma worsens in circumstances whereby the domestic laws are applied towards the establishment of unilateral meanings of the international norms.

4. Courts and Enforcement Requirements

The national courts can be invited to interpret the international law in the domestic legal disputes like the detention of a vessel, environmental crimes or criminal prosecution considered under the law of the sea. On the one hand, the courts may be in complete agreement with international standards, whereas, on the other hand, they can provide insights into national priority areas or political influence.

Another important issue is enforcement. The international tribunals have the authority to make binding decisions but enforcement in most cases rests with the local governments, which may find it very easy to defy the decision in the event that the decision affects adversely to the national interests or national sovereignty.

To sum it up, national legal systems are one of the crucial players in the maritime legal order. They are the main means of application and control of the marine areas of the states and tend to dictate the reality of maritime control. But matters of jurisdiction, fragmentation of the law and differing interpretations have the potential to create, or even exacerbate, disputes. In this way, the effective settlements of maritime disputes need not only the coherence of international norms but also their application in a consistent, transparent, and fair way on the national level.

VI. MECHANISMS FOR RESOLVING MARITIME DISPUTES

Maritime disputes may be either simple, such as bilateral claims to maritime zones of fisheries, or complex, like multilateral maritime disputes in which there is a nationwide integration over waters and watersheds together with overlapping national sovereignty claims. In such cases, the international law offers formal as well as informal dispute settlements to solve such problems. These arrangements are supposed to promote peaceful settlement, legal certainty and preservation of international order at sea. The efficiency of such mechanisms is conditional upon cooperation of states, the character of the conflict, and the readiness of the parties to adhere to results.

6.1 Court and Arbitration institutions

Judicial and arbitral conflicts provide legal solutions that are enforceable and usually legislative in solving maritime conflicts. They are the arbiters of international law, especially UNCLOS, they give interpretations and apply the international law and their decisions form part of the jurisprudence in the law of the sea.

a. ITLOS

ITLOS was created by UNCLOS in 1996 and located in Hamburg, Germany; ITLOS can preside over a broad variety of maritime matters. The latter consist of delimitation of boundaries, environmental obligations, and immediate liberation of vessels. Notable judgments that have been dealt with by ITLOS include *M/V Saiga (Saint Vincent and the Grenadines v. Bangladesh v. Guinea)* Inside Myanmar water boundary case.

b. Graduate school of ICJ

The ICJ as the main court of the United Nations settles disputes arising between states such as on maritime boundaries claims by states and sovereignty claims. It uses the UNCLOS, the rules of customary international law, and equitable rules. The best ones are *Nicaragua v. Colombia* v. *Romania*. *Ukraine*.

c. Arbitral Tribunals (Annex VII)

The annex VII arbitration is a more convenient alternative to the standing courts. Tribunals exist in an ad hoc manner and usually engage when the parties fail to consent to the review of ITLOS or the ICJ. The *Philippines v. China South China Sea* arbitration is the most significant situation when the tribunal made its resolutions concerning the legal status of a feature and China usages of the area, but the process of enforcement and observance is disputable.

d. Annex VIII Special Arbitration

This option is targeted to the controversies related to some particular technical issues, e.g., marine environment or scientific research, but it is not utilized since it is procedurally complicated and of narrow scope.

Authoritative legal interpretation by courts and tribunals, however, is accompanied with limitations of jurisdictional consent, complying with decisions, and political opposition by defaulting parties.

6.2 Alternative dispute resolution Methods

Although formal adjudication is sometimes used to give final results, much of the maritime disputes are handled or settled using alternative dispute resolution (ADR) techniques. These strategies are characterized by diplomacy, relationship and agreement.

a. Negotiation and Diplomatic Dialogue

Maritime disputes are the most widely solved by means of negotiation. States tend to use direct negotiations to eliminate political risks and the tenacity of litigation. Positive benchmarks are seen in the case of Norway-Russia (Barents Sea 2010) and Indonesia-Malaysia liminal negotiations.

b. Mediation and Good Offices

A third party can help conflicting states to find dialogue, propose any ideas, or intermediary them. This process may also be used to help build trust although it is not binding and may be used to overcome stalemates. Bodies like Association of Southeast Asian Nations (ASEAN), have been acting as mediators in regional conflict in the seas.

c. Conciliation

UNCLOS has made compulsory conciliation in some disputed instances as well as in the case of disputes on maritime boundaries where the states have already ruled out the option of a binding arbitration. Conciliation commission produces a report that is non-binding and follows the laws and equity. The case of the Timor-Leste v. Australia conciliation case resulted in the development of a treaty that was successful in the boundary of the sea.

d. Joint Development Agreements (JDAs)

States can resolve to battle it in spheres of entirety where they might decide to put reserve sovereignty disputes on hold and share managements and exploitations of resources. JDAs present an effective way out and save legal standings. Japan-South Korea and Malaysia-Thailand bi-national development areas are being good examples.

Concisely, the principles of settling maritime disputes are an expression of both certainties of law and elasticity of diplomacy. Although the courts and arbitral institutions help the growth of international law and enforcement of legal norms, other approaches encourage collaboration and expedient measures. This is because a hybrid strategy where diplomacy and legality are used in dispute resolution in most instances provides a more lasting solution to dispute resolution.

VII. CONCLUSION AND FUTURE DIRECTIONS IN LEGAL INTEGRATION AND ENFORCEMENT

It is true that the maritime dispute issue is quite complex and dynamic in nature and, therefore, a multi-dimensional legal approach must be based both on developed principles and on changing frameworks. As demonstrated in this paper, resolution of maritime disputes depends on the interface between principles of law, including sovereignty, equity, and freedom of navigation, and institutional solutions specified under the international law, most notably in the UNCLOS and customary rules of international law. Throughout this process, national legal regimes are an essential element in establishing and applying these regulations, which may turn out to be the initial point of protection or argument in attaining maritime claims.

Although there are strong legal tools and courts, a few problems remain. They are disunified jurisdiction interpretations, partial observance to international decisions and political opposition of

influential states. Also, issues pertaining to the new technology and new maritime challenges, as deep-sea mining, environment destruction, and transformation of traditional boundaries due to climate changes are some of the examples of such, are still posing challenges to the flexibility and efficiency of the existing legal frameworks.

The future of the maritime dispute resolution will depend on a higher level of legal integration, institutional collaboration and multilateral enforcement commitment. It is urgently needed to reconcile domestic rules with international commitments, increase the jurisdiction and accessibility of the forums to dispute resolution and enhance the compliance mechanism. New tools like joint development areas, mandatory conciliation and regional maritime regimes of governance can potentially provide viable options to de-escalate and manage common spaces.

Finally, to achieve peace, ensure security and sustainable use of world oceans, legal accuracy is one; political will, confidence building and long-term perspective are the other. Rules-based maritime order will play an important role in going through the legal, environmental, and strategic challenges of the 21st century.

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