The main objective of the research undertaken under the working package “Fundamental Challenges for the Law of the Sea” (WP I) is to analyse the adaptability of the law of the sea to present and foreseeable future challenges. This will be done through organisation of research activities focused on two main study tasks.

Task 1: Development of the law of the sea

The main line of inquiry here is not oriented on analysing codification, or already existing sources of the international law of the sea, but on exploring reasons of, and prospects for, progressive development of the law of the sea, faced with core challenges. The goal is to find out how the law of the sea is developed under new circumstances. The study undertaken will in particular follow three strands of development of the law of the sea:

- **State practice**: While international law develops due to many reasons and in various contexts, the role of States remains crucial in it. What new trends have been manifested in state practice over the past 30 years, and what are the likely future tendencies impacting the development of the law of the sea?
- **International institutional cooperation**: The role and activity of numerous international bodies, both at the global (such as UN, IMO, FAO) and regional levels (e.g., RFMOs), is crucial for the development of the modern law of the sea. In light of the complex challenges ahead – such as those embodied in integrated ocean management – are those bodies sufficiently coordinated; or is this a task yet ahead for the development of the law of the sea? Can this coordination be achieved at a regional level (in regions such as the Arctic); and if so, how to relate such development to the global cooperation and instruments? Moreover, two particular aspects of international institutional cooperation in the development of the law of the sea will be studied: One is the impact of legally non-binding instruments (resolutions, statements, etc.). The other aspect is the increased transparency of international decision-making, which has
provided a broader access to various *non-state actors*, such as NGOs, to the law-of-the-sea development process.

- *The role of international courts and arbitral tribunals:* UNCLOS has introduced an elaborated system of international dispute settlement. While a court or arbitral tribunal *per se* does not have the role of developing the law, the evasive character of some UNCLOS provisions has led to what can be termed a “creative role” of international jurisprudence – in the sense of it *contributing to* the development of the law of the sea.

A particular research inquiry within WP I will be on the impact of *natural sciences* on the development of the law of the sea. While the impact of scientific disciplines directly related to marine studies, such as oceanography, hydrography or marine biology, has been incorporated in law-of-the-sea development so far, new challenges flow from the findings of atmospheric and Earth sciences, in particular geology/stratigraphy. Processes such as climate change, sea-level rise and ocean acidification will increasingly require an understanding of the overall Earth system change in the current and future development of the law of the sea.

**Task 2: Interaction of the law of the sea with other parts of international law**

The law of the sea is a part of international law and, as such, has always interacted with other parts of this legal discipline. Recent human uses of the seas and the related activities have, however, necessitated an increased focus on the interaction of the law of the sea with parts of international law previously seldom related to the maritime sphere. Beyond increasingly relevant links with international environmental law, other parts of international law became more closely related to the law of the sea; for instance, the use of trade-related measures in fisheries management has resulted in the need for interaction with international trade law, and the increase of arrest of fishing vessels as well as security demands in combating transnational crimes require a focus on the interaction with human rights.

A major challenge on the horizon is related to the prospects of sea-level rise. It has already been recognized that a substantial territorial loss resulting from sea-level rise is an issue that extends beyond baselines and the law of the sea, and encompasses consideration at a junction of several parts of international law, including such fundamental aspects as elements of statehood under international law, human rights, refugee law, and access to resources, as well as broader issues of international peace and security.

The study undertaken in this task will be gradually supplemented by results of research in the other WPs of the Centre. The impact of human rights and international trade law will be addressed in WPs III and IV. The interaction with international environmental law will be a focus of WP V, but also addressed in WPs III and IV. Aspects of sea-level rise, yet limited to some aspects the law of the sea only, will be analysed in WPs II and V. The objective within the frame of WP I will thus be to enable an overall grip on the interaction of the law of the sea with other parts of international law.