

BOOK REVIEW
OXFORD HANDBOOK OF THE LAW OF THE SEA

D. Rothwell, A. Oude Elferink, K. Scott, and T Stephens (eds)

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Before the publication of this impressive and indispensable handbook, it was extremely difficult, if not impossible, to find an up-to-date law of the sea book that addresses almost every aspect of the sea and its current development. This handbook is published at a time when the law of the sea has become one of the most significant challenges to contemporary international law and international community. This book provides international lawyers' state-of-the-art knowledge; it provides more experienced lawyers with fresh updates and insights and thoroughly presents students with a current and comprehensive education and resource on the law of the sea. The book contains 39 chapters that range from classic to contemporary issues. It is a reader-friendly book which covers the basics and complexities of traditional law of the sea, maritime zones, rights and obligations of interested States, and addresses contemporary issues of the law of the sea such as marine environmental protection, maritime delimitation and marine natural resources. Experienced academics and practitioners, and students who have chosen the law of the sea and international marine environmental law as their field of research will find this timely book to be an important and valuable tool in their work.

The development of the law of the sea is addressed in the first three chapters. In Chapter 1, Treves narrates the historical development of the law of the sea before the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. Then, Churchill explains the legal nature of the UNCLOS, highlighting its framework treaty characteristic, the 'mixture of codification and progressive development of the law', and legal topics such as the deployment of 'rules of reference' and the relationship between the UNCLOS and other treaties, and customary international law. Buga observes that the application of the UNCLOS has been shaped by State Parties over time, as evidenced by the subsequent practice of States in terms of influencing and modifying its application, exemplified by the adoption of the 1994 Agreement related to the Implementation of Part XI of the UNCLOS. This is very helpful for the newcomers to the law of the sea as these chapters equip them to understand how the law of the sea has evolved during the

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past thirty years, its special characteristics, and some (arguably) legal peculiarities of the UNCLOS, particularly the relationship between the UNCLOS and its implementing agreements.

Classical topics of the law of the sea such as maritime zones and the rights and obligations of States – coastal, flag, and port States are indispensably provided in this handbook. The added value to this handbook is its clear description of the relevant law of the sea institutions by insightful practitioners. For example, in Chapter 16, Corell, a former Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, explains, based on his experience, how both the issues of Oceans and issues of the Law of the Sea have been managed by UN institutions, departments, and specialised agencies since the adoption of the UNCLOS. In Chapter 18, Oxman presents a very good account of, and introduction to, the dispute settlement procedure of the UNCLOS, and includes thoughtful comments on possible legal complications regarding certain provisions, e.g., articles 297 and 298 of UNCLOS, which may disrupt the dispute settlement procedure. The operation of the International Maritime Organisation (IMO) is also addressed in this book.

New developments of the law of the sea relating to marine resources and the protection of the marine environment are addressed in several chapters of this handbook. Chapter 21 is significant in this respect, in Scott's examination of the concept of 'integrated ocean management'. She highlights the emergence of a shift in ocean governance from zonal and sectoral, inherent in the UNCLOS, to an integrated approach, designed to accommodate the consideration of a wide range of maritime activities and potential conflicts arising from them. The common elements of integrated ocean management are singled out in this chapter, which demonstrates that integrated ocean management is implementation varies at both national and regional levels, whereas its implementation at a global level arguably remains elusive. In terms of the protection of the marine environment, in Chapter 23, Kirk explains the interplay between science and international regulations of marine pollution, illustrating how science influences the regulation of different sources of pollution and the approaches taken by States to address it via decision-making processes based on the development of scientific knowledge.

This handbook also contains up-to-date information related to more challenging marine environmental topics, such as marine living resources, fisheries management, marine biodiversity, and ocean acidification. Warner, in Chapter 33, addresses conservation of marine biodiversity in areas beyond national jurisdiction and describes the complex web of relevant regimes in regulating the issue. She outlines key normative legal and institutional frameworks as well as different approaches adopted by various regimes, identifying gaps and disconnects in the governance of marine biodiversity in areas beyond national jurisdiction. The chapter discusses selected governance disconnect problems, including fisheries, regional seas arrangements. In analyzing global and regional initiatives to address these challenging governance issues this chapter innovatively calls for integration and reconciliation of the 'modern conservation norms and objectives of international marine environmental law and the law of the sea.'

In Chapter 36, Mossop provides a very good introduction to marine bioprospecting. The chapter provides basic information regarding the meaning and the process considered to be marine bioprospecting. Legal frameworks for this issue are also addressed with particular attention on the UNCLOS and Convention on Biological Diversity (CBD). Concerns regarding the definition of marine bioprospecting are highlighted such as the potential tension regarding distribution of rights and obligations among States under the law of the sea regime that arises from the conflicting classifications of marine bioprospecting and marine scientific research. This chapter concludes that marine bioprospecting does not fall within the regime of marine scientific research under the UNCLOS. The chapter later delves into bioprospecting within and beyond areas of national jurisdiction, discussing rights and obligations of States in regulating and conducting marine bioprospecting. Here, the UNCLOS and CBD differ as to the rights and obligations in different maritime zones and to the distribution of benefits from biodiversity resources. The potential profitability of marine genetic resources implies that marine bioprospecting will be one of the hot law of the sea and international marine environmental law issues requiring a comprehensive and integrated international regulation from international community.

The Oxford Handbook of the Law of the Sea should also be praised for its coverage of important region- and regime-specific developments in the law of the sea. Of significance, Papanicolopulu provides useful survey of knowledge related to current developments in the Mediterranean Sea, ranging from the management of maritime zones, maritime delimitation, and other regional cooperation under the auspices of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention). Similar to the Mediterranean, Zou provides a very good introduction to the on-going tension in the South China Sea in Chapter 28. Information on the historical, legal, and political development of the situation in South China Sea is concisely summarised, as well as attempts to resolve the conflict by bilateral and regional means. The chapter's coverage predates the award of the arbitral tribunal on the jurisdiction and admissibility of the *Republic of Philippines v. The People's Republic of China*¹. Other regions addressed in this book include the North-East Atlantic Sea (Chapter 29), the Caribbean Sea and Gulf of Mexico (Chapter 30), and the Indian Ocean (Chapter 31).

The comprehensiveness of this handbook will undoubtedly be beneficial to all international lawyers, from academics and students to practitioners. Although it could be more helpful by providing further recommended reading as other Oxford handbooks do, it will be a useful starting platform for international lawyers with a specific interest in the law of the sea to acquire a good understanding of any particular aspect that concerns them before exploring the subject in a wider context. In conclusion, *The Oxford Handbook of the Law of the Sea* can be said to be an extremely impressive and indispensable handbook.

¹ For more information on *the Republic of Philippines v. the People's Republic of China*, see. <http://www.pcacases.com/web/view/7> <accessed 30 October 2015>.