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Abstract

There has been no shortage of books written on vital aspects of oceans law and policy. But there are few with the breadth and diversity of coverage, written by the most prominent law of the sea scholars and practitioners assembled in a single volume, such as in *The Limits of Maritime Jurisdiction*. The appeal of this book is undeniable: it is authoritative and scholarly yet accessible and refreshingly practical both to the seasoned scholar and the practitioner, dealing with important contemporary law of the sea issues from an enduring, intellectually robust and critical perspective.

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Book Review

The Limits of Maritime Jurisdiction. Edited by Clive Schofield, Seokwoo Lee and Moon-Sang Kwon. Leiden and Boston: Martinus Nijhoff Publishers, 2014: 794 pp.

There has been no shortage of books written on vital aspects of oceans law and policy. But there are few with the breadth and diversity of coverage, written by the most prominent law of the sea scholars and practitioners assembled in a single volume, such as in *The Limits of Maritime Jurisdiction*. The appeal of this book is undeniable: it is authoritative and scholarly yet accessible and refreshingly practical both to the seasoned scholar and the practitioner, it deals with important contemporary law of the sea issues from an enduring, intellectually robust and critical perspective.

The book is commendable for providing an illuminating, multidisciplinary perspective on a broad range of contemporary legal developments and emerging challenges concerning jurisdictional rights and activities in the maritime domain, including maritime security and combatting piracy, the impacts of climate change and sea level rise on the oceans and on the scope of maritime zones, conflicting maritime claims and boundary disputes, genetic marine resources and governance of areas beyond national jurisdiction, oceans governance issues in Antarctic waters, marine protected areas and environmental and marine living resource management. The editors of the volume, Clive Schofield, Seokwoo Lee and Moon-Sang Kwon, renowned oceans scholars in their own right, along with the contributors, who have impressive academic and professional backgrounds, are well positioned to tackle such a wide-ranging study.

The volume is organised into eight parts, comprising of thirty-four chapters in total. The papers included in the book are from the annual law of the sea conference held in 2011 at the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong in Australia, organised under the auspices of the Law of the Sea Institute (LOSI), University of California, Berkeley, USA, supported by the Korea Ocean Research and Development Institute (KORDI), now renamed the Korea Institute for Ocean Science and Technology (KIOST). The proceedings of previous annual LOSI conferences, published in a series by Martinus Nijhoff, many of which have been recognised as classic works amongst the vast literature on ocean law and policy. This particular volume, the latest in the series, is dedicated to Professor Jon Van Dyke, a towering intellectual titan in the law of the sea and mentor and friend to many of the authors in the volume, who tragically passed away during the conference. Professor Harry Scheiber, longstanding friend and colleague of Professor Van Dyke, opens the book with a touching and heartfelt but erudite and comprehensive tribute to Professor Van Dyke's immense contribution to oceans law and policy.

The other chapters included in the volume, written by eminent law of the sea scholars, are equally important and just as well written. It is appropriate to highlight a few of the chapters included in the book to afford the reader an abridged familiarity of the contents of the book. Chapter 1, "The Limits of the Maritime Jurisdiction", written by Professor Ivan Shearer for the conference keynote address, provides a succinct summary of the concept of jurisdiction in the law of the sea from a historical perspective, and its interrelationship with sovereignty. In Chapter 2, Professor Ian

Townsend-Gault writes on the issue of the territorialisation of the Exclusive Economic Zone (EEZ) examining its development and State practice related to the articulation of rights, duties and justifications of arrangements over EEZ claims. Chapter 4, by Professor Clive Schofield, explores the impact of seabed resources on maritime boundary disputes in his paper which reappraises the role of suspected or presumed hydrocarbon resources as an intensifying factor in maritime boundary disputes such as in the South China Sea and the Arctic Ocean.

Part Three of the book, with six chapters, is on maritime and territorial disputes in East and Southeast Asia. Chapter 8, by Sam Bateman, notes the focus on sovereignty as an obstacle in effective oceans governance and maritime boundary making in the South China Sea. In Chapter 9, Guifang Xue clarifies underlying issues that have contributed to complicate and intensify the South China Sea disputes, while in Chapter 10, Tran Truong Thuy analyses recent developments in the South China Sea. Part Four of the book, with four chapters, is devoted to maritime security. Chapter 14, written by Professor Stuart Kaye, discusses the issue of creeping jurisdiction in the law of the sea in the context of post-9/11 maritime security arrangements. In Chapter 15, Professor Robert Beckman examines the challenges posed by maritime terrorism to the international legal regime over crimes at sea with a focus on the Protocol to the 1988 SUA Convention, the 2005 SUA Protocol and Proliferation Security Initiative. Chapter 16, written by Professor Seokwoo Lee and Young Kil Park provides an insightful summary and analysis of Korea's trial of Somali pirates, the first of its kind for Korea, focusing on issues of domestic jurisdiction and noting procedural issues that need to be remedied in future cases involving pirates.

The focus of Part Five of the book, comprised of four chapters, is environmental and marine living resource concerns. Chapter 18, written by Quentin Hanich, is a case study of the tuna fisheries of the Western and Central Pacific. Chapter 19, by Kuan-Hsiung Wang is an analysis of the effectiveness of regional fisheries management organizations in combatting and deterring Illegal, Unreported and Unregulated (IUU) fishing. Part Six of the book covered chapters dealing with issues related to the Southern Ocean and the Antarctic. Chapter 22, by Professor Marcus Haward, explains governance issues arising from climate change in the Southern Ocean. In Chapter 23, Natalie Klein and Tim Stephens critically examine the ICJ case between Australia and Japan on whaling in the Antarctic, highlighting the role of international litigation in activities that occur beyond national jurisdiction.

Part Seven of the book considers the challenges posed by climate change on oceans governance. It is comprised of five chapters. Chapter 27 written by Moritaka Hayashi explores the legal measures available to States adversely affected by sea level rise; Chapter 28 by Seong Wook Park and Charity Lee focuses on Korea's ocean energy policies in response to the UN Convention on Climate Change; Chapter 29 by Karen Scott is a case study of the evolving international regulatory framework on ocean fertilization as a climate change mitigation activity; Chapter 31 by Ronan Long focuses on principles and normative trends in EU ocean governance particularly highlighting changes in the regulation of maritime activities in the EU under the framework of the EU Integrated Maritime Policy.

The last division of the volume, Part Eight, is comprised of three chapters which deal with governance gaps in areas beyond national jurisdiction in Chapter 32 by David Freestone; an examination of the interaction between the regimes of the outer continental shelf and the high seas in Chapter 33 by Joanna Mossop; and finally, the contentious issue of harvesting marine genetic resources in areas beyond national jurisdiction by David Leary and S. Kim Juniper in Chapter 34.

Overall, the strength of this book rests on three major pillars. The first is the volume's remarkable coverage of a wide range of issues, encompassing legal, security, economic, governance, environmental, social, as well as energy issues. The multifaceted nature of the analyses clearly sets the volume apart from many others of the same genre which tend to focus exclusively on legal or security issues. In the words of the editors, the book "was purposely conceived in a broad sense in order to encompass uncertainties related to both unresolved maritime limits and boundaries spatially but also emerging challenges and tensions concerning jurisdictional rights and activities within claimed maritime spaces." The evident wealth and depth of academic and professional experience of the authors make the discussion of abstract concepts come alive with concrete details. The second strength of the book is its high degree of coherence, strongly reinforced by a comprehensive and well-structured introduction by the editors, a characteristic seldom found in edited volumes. Lastly, all chapters are written in clear, direct, and easy to follow prose with an approach that is both realistic and practical, rendering the book a particularly easy and pleasant read. The comprehensive index also makes it an excellent reference tool for all those interested in exploring the wide range of topics covered in the book.

The ambitious scope of the book, however, creates two issues. The first challenge relates to limitations of space preventing any substantial and in-depth theoretical discussion of issues covered. Whilst the book does provide an excellent overview and convincing outline of contemporary issues on the law of the sea, the political and theoretical underpinnings of the issues and contentious debates are eschewed in order to address less grandiose and more useful set of practical interrogations. Secondly, the case studies in the book are few in number and the analysis quite brief and appear squeezed in between background and considerable evaluation. The reader who seeks for a more profound and protracted treatment of these issues will need to look elsewhere. These quibbles notwithstanding, the book's contribution to the literature on oceans law and policy is still unmistakably incontestable.

In sum, *The Limits of Maritime Jurisdiction* brings together in an impressive volume, an accessible and interesting yet scholarly and well-researched collection of papers covering a wide array of topics, written by leading oceans scholars and practitioners. On the whole, whilst it is ostensibly aimed at serious law of the sea scholars and practitioners of international law and potentially to diplomats and political advisers, who will definitely not be disappointed, the book's less demanding format and practical approach make it accessible and a pleasure to read even to the lay reader, and non-lawyers looking for an initial foray into the field of international law of sea.

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