

YOSHIFUMI TANAKA, *THE INTERNATIONAL LAW OF THE SEA*, 2D ED, CAMBRIDGE, CAMBRIDGE UNIVERSITY PRESS, 2015

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The International Law of the Sea by Yoshifumi Tanaka was first published in 2012.¹ Its second edition, that comes up with a complete revision of cases and rules, has been published in 2015 by Cambridge University Press. This book can be placed among other general books on the law of the sea which contains almost all the topics in this area. The present book consists of two parts, fourteen chapters and many detailed sub-chapters which are helpful to organize the subjects.

Yoshifumi Tanaka obtained his Ph.D. at the Graduate Institute of International Studies, Geneva, in 2002. After having worked at the Marine Law and Ocean Policy Centre, Martin Ryan Marine Science Institute, National University of Ireland, Galway, between 2002 and 2005, he taught as a Senior Lecturer at the University of Westminster's Law School, London, between 2006 and 2008. In 2009, he was appointed as an Assistant Professor, and in 2011, an Associate Professor of Public International Law at the Faculty of Law, University of Copenhagen.²

This work could, most likely, attract international law students and even professors specialized in this field because the discussed subjects cover all the newly debated issues on the law of the sea which were ignored in most of the classical books on the law of the sea so far; issues such as biodiversity, climate change and sustainable development. The author even goes one step further and gives some suggestions for the future governance of the seas and oceans in the last chapter.

Professor Tanaka starts the book with a long list of conventions, texts, and cases that help readers continue their studies in different areas of the international law of the sea. All the subjects from the first chapter to the fourteenth are explained fully with supporting examples in the form of case reviews, illustrations, graphics, tables and even references to the preparatory work of the conventions. Though these details could be helpful to a serious researcher of the law of the sea, they might be excessive for general readers. However, another positive point in the format of this work is the table of the main questions related to each chapter that the author provides to help the reader foresee what he or she will face during the chapter and follow the author more effectively. A last point about the format of the book is that Dr. Tanaka tried his best to be different from his predecessors and he was successful to some extent.

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¹ Yoshifumi Tanaka, *The International Law of the Sea*, 2d ed (Cambridge: Cambridge University Press, 2015).

² Faculty of Law, *New Professor, Yoshifumi Tanaka* (1 October 2013), online: University of Copenhagen <http://jura.ku.dk/english/news/2013/yoshifumi_tanaka>.

As for the content of this book, except for some new issues such as dumping at sea, biodiversity, aquaculture, particular attention to the International Tribunal for the law of the Sea (ITLOS) and new suggestions titled as “looking ahead”, the rest of the book covers the same matters as other books on international law of the sea. However, even with this repetition, he has been successful to get the reader to follow him with tangible illustrations and graphics and up-to-date decisions of the international tribunals wherever possible.

The main argument of this book is to explain how the international law mechanism works in the positivist international law of the sea and how this approach can solve today’s problems of the governance of the sea and what changes are needed for the future. As already mentioned, this book is divided into two parts. The first part, containing six chapters, is an introduction to the general concepts and rules of the international law of the sea. Chapter one of this part helps beginners understand the sources of the law of the sea and the principles governing this field. In the second chapter, the writer starts to explain the practical aspects of drawing baselines. In this chapter, the author explains all the technical aspects of baseline drawing, especially in bays and in the polar areas. For this reason, this chapter, in spite of using clear illustrations, seems a little complicated for beginners. In the third and fourth chapters, Professor Tanaka divides the marine zones into two groups. The first group consists of the zones which are under the absolute national sovereignty of coastal states such as the territorial sea and internal waters, and the second group contains the zones in which coastal states benefit only from some sovereign rights such as the exclusive economic zone and the continental shelf.

In the fifth chapter, the writer talks about the zones which are completely beyond the jurisdiction of the coastal state; the high sea and the Area. The role of the Authority as the organization that controls the activities in the Area is also fully discussed in the fifth chapter.

It is worthwhile to repeat that so many details pertaining to the conventional rules and the jurisprudence relating to each marine zone might make this book complicated. However, the significant usefulness of the proper pictures and graphics cannot be denied. In particular, when the author arrives at the role of the Authority³, the book becomes a kind of encyclopedia and a reference book which makes it different from a regular international law book. On the other side, these details show Professor Tanaka’s praiseworthy effort to provide a reliable source covering as many subject matters of the international law of the sea as possible in a one-volume book.

In the sixth chapter and the last one of the first part, we get to the topic of the marine delimitation, which is the subject of Professor Tanaka’s Ph.D. thesis.

³ The International Seabed Authority is an autonomous international organization established under the 1982 *United Nations Convention on the Law of the Sea*, 10 December 1982, 1833 UNTS 3, 21 ILM 1261 (entered into force 16 November 1994) [*Montego Bay Convention*] and the 1994 *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea*, (10 December 1994), 1836 UNTS 3 (entered into force provisionally on 16 November 1994). See International Seabed Authority, *About The International Seabed Authority* (2016), online: International Seabed Authority <<https://www.isa.org/jm/authority>>.

Therefore, he can explain thoroughly the complicated issues about how to delimitate different marine zones. This chapter is especially beneficial for those who work on this topic to learn the techniques of delimitation of marine boundaries.

Having made clear the international legal regime of the sea according to its zonal management which is based on the sovereignty of the state, in the second part, Professor Tanaka discusses the common problems in the oceans, which need the attention and collaboration of the entire international community. This part lets Professor Tanaka go more out of the routines and discuss subject matters that have not been dealt with so far in many law-of-the-sea books.

In chapter seven, eight and nine, the writer talks respectively about the conservation of marine living stocks, the protection of marine environment and the conservation of marine biodiversity. In these three chapters, he explains very carefully and patiently the definitions of the concepts of the international law of the sea and writes about the challenges confronting the international community and the remedies to solve them. As previously mentioned, being faithful to the positivism in law doesn't allow him to go further in giving feasible solutions other than listing the conventional rules that already exist under the international law of the sea. However, on the other hand, this positivist frame is comprehensible because the author's aim, in this book, is to teach what the international regime of the governance of the sea is and he doesn't intend to discuss what it should be.

Talking about the scientific research in the tenth chapter gives the reader a chance to think about some less debated topics such as technology transfer and scientific cooperation. This chapter also contains a description of the extent and the limitations of the military experiments in the high seas.

In the eleventh chapter, Professor Tanaka discusses the maintenance of peace and security at sea, which seems very interesting at first glance. But soon, the reader apprehends that this chapter is just dedicated to piracy. Piracy, per se, is a very practical topic, but an international expert expects to find other issues such as marine war, legislation proposals affecting terrorist attacks and protection of marine installations against missile experiments.

In the twelfth chapter, the major problem of all the conferences of the law of the sea, i.e. access to the land-locked states and the states which are geographically disadvantageous, is mentioned. This subject is discussed thoroughly; it starts from the definitions of such states to their rights and provides a list of these states, which could be helpful for the reader.

The thirteenth chapter of the second part is devoted to the peaceful settlement of disputes in international law of the sea. Here, the writer explains, in full detail, the mechanism of the ITLOS. Being ignored by most of the writers of the international law, this efficient tribunal is still unknown to many international law professionals and students. Professor Tanaka, as a lecturer in this tribunal, can faithfully introduce it to the readers.

The last chapter, although being too short, contains Tanaka's points of view about the mechanisms that can make the future of the oceans and seas more fruitful for the world. This is the only part in which he shares his personal views, still in a way faithful to positivism, with the other international lawyers and students. This is a very positive point for an academic book.

As the conclusion of this review, I should admit that from the first glance the reader can see the author's well-organized Japanese mind in explaining and the patient Eastern spirit in teaching. The generosity of Professor Tanaka in giving a vast range of information to his readers who could benefit to a large audience, ranging from undergraduate students to university professors and professionals.