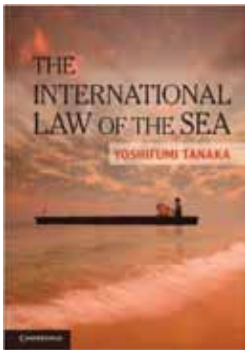


BOOK REVIEW

The International Law of the Sea

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As one of the oldest law, in this present day, law of the sea facing a wider variety of issues, for example the increase need for security at sea, exploitation of seabed area, marine conservation, and other issues. In this book, Tanaka divided the rules of the international law of the sea in two view point, namely the interest of the States as the first and foremost international law's subject. Second, as the *Res Communis* principle implied, it is also important to examine it in the aspect of the protection of community interests. In this sense, this book divided into two parts.

Part I titled *The Divided Ocean: International Law Governing Jurisdictional Zones*. This part contains 6 chapters discussing law of the sea in the aspect of national jurisdiction. Chapter 1: *The Law of the Sea in Perspective* discusses the international law of the sea from the perspective of the development of international law in general since it was still in the form of customary international law until it successfully codified. This section examines the contents of UNCLOS in 1982 and its main principles therein. Tanaka also provides a comprehensive discussion about the development of international maritime law after the enacted of UNCLOS 1982 and regarding the fundamental changes that occur in the development of UNCLOS 1982 (e.g. regarding adoption of

the 1994 Implementation Agreement and the 1995 Fish Stock Agreement). It also emphasizes the development of the law of the sea through the establishment of International Maritime Organization (IMO). UNCLOS 1982 divided waters into 7 zones. Tanaka then divided these zones into two groups' namely state-controlled zones (Internal waters, Territorial Sea, International Straits, and Archipelagic Waters) and sovereign rights zone (Contiguous Zone, Exclusive Economic Zone, and Continental Shelf). Each part analyze the zone as set forth in UNCLOS 1982 covering the discussion about the genesis of the concept, definition, the delimitation and criteria of the zone, the rights and obligations of the States towards the zone, etc. Other than the two categories of zone that were mention earlier, Tanaka Also provide an explanation of the two marine regions beyond the jurisdiction of any country namely the high seas and the deep seabed (the Area). The final part of the chapter discusses about maritime delimitation. The spatial distribution of jurisdiction of States is the foundation of oceans governance. Thus, it is important to discuss the cardinal principle applicable to maritime delimitation, basic approaches adopted by maritime tribunal with regard to maritime delimitation, and advantages and disadvantages of the basic approaches to the law of maritime delimitations.

Part II: Our Common Ocean: Protection of Community Interest at Sea. Here, Tanaka discusses about maritime management in the aspect of international co-operation for protection of the marine environment Chapter 7: Conservation of Marine Living Resources contains a holistic discussion regarding the community interest in the international law of the sea. The conservation of marine living resources is a significant issue in the law of the sea. Thus this chapter examines the rules of international law governing the conservation of these resources. Tanaka tries to identify the problems associated with the traditional approaches, namely the zonal management approach and the species specific approach. It is also discusses the concept in regard to marine conservation namely sustainable development concept, species specific approach, ecosystem approach, and precautionary approach. chapter 7 discusses about the protection of the Marine Environment covering regulations about land-based pollution, vessel-source pollution, dumping, pollution from seabed activities, pollution from activities in the Area, and pollution through the atmosphere. Next Tanaka explores the growing

attention to the establishment of Marine Protected Areas (MPAs) in the 9th chapter with the titled Conservation of Marine Biological Diversity. It examined it in the legal framework of UNCLOS 1982 and the 1992 Convention on Biological Diversity. The next chapter discusses the regulation regarding Marine Scientific Research. Here, Tanaka emphasizes that there is a need to achieve a balance between the freedom of marine scientific research and the protection of interest of coastal states. Chapter 11 outlines of how the security situation in the sea area that is facing many threats, such as piracy, armed robbery, etc. This fact encourages the awareness of international community of the need to improve safety at sea. Thus this chapter addresses the maintenance of international peace and security at sea. Chapter 12, Tanaka emphasizes the rights and obligations of the landlocked and geographically disadvantaged states according to UNCLOS 1982. Because these states cannot fully use the oceans, these states have sought to safeguard their special interests. Currently, there are 45 states that are failed within the definitions of landlocked and geographically disadvantaged states. Finally, Tanaka discusses the establishment of International for the Law of the Sea (ITLOS). This chapter addresses the dispute settlement procedures under UNCLOS 1982.

This book provides a comprehensive and up-to-date coverage of a central topic in international law. Tanaka's point of view that divided the international law of the sea into two approaches describes how this book successfully discusses the international law of the sea, as the oldest international law, and applied it to a more contemporary issues. According to Tanaka, zonal management approach, which divided maritime area based on national jurisdiction, and integrated management approach must be reconciliated. This new perspective introduces us to a more integrated and comprehensive coverage maritime management.