

*The International Tribunal for the Law of the Sea*. By G. EIRIKSSON. [The Hague: Nijhoff, 2000. 387pp., including index. ISBN 90-411-1418-1. No price given.].

THE International Tribunal for the Law of the Sea will be five years old in October 2001. Since hearing its first case in 1997 (*M.V. Saiga*), an application for prompt release of a fishery supply vessel arrested in the exclusive economic zone, it has awarded provisional measures and given judgment on the merits in the same case, dealt with three more prompt release cases, heard an application for provisional measures in a fishery dispute (*Southern Bluefin Tuna*), and presided over an out of court settlement provisional settlement of another fisheries dispute (*Swordfish*). This is hardly a large workload, but neither is it negligible. The Tribunal is not the only possible forum for dispute settlement under the Convention; nevertheless it has quickly become the principal one. During the same period only one dispute has proceeded to arbitration under Part VI of UNCLOS (*Southern Bluefin Tuna*), but no UNCLOS disputes have been taken to the ICJ or to special arbitration. There is some evidence, moreover, that the very existence of the Convention's dispute settlement machinery has had beneficial effects in encouraging States to settle their law of the sea disputes by negotiation, whether before, during, or after litigation.

The Tribunal has its own practices and rules of procedure which are in certain respects different from those of the ICJ, and it has begun the sometimes difficult task of interpreting the 1982 UNCLOS and its over-elaborate dispute settlement scheme. The present text, by a judge of the Tribunal and former member of the International Law Commission, provides an invaluable commentary on the dispute settlement provisions of UNCLOS, on the Tribunal's rules of procedure, and on its decisions in the first few cases. The first four chapters give an account of the establishment and organisation of the Tribunal, its jurisdiction and applicable law. The major part of the book, in the next six chapters, deals with procedure in each of the different types of proceedings which can take place before the Tribunal or its chambers. The remaining chapters cover judgments, opinions and costs. The final chapter surveys the decisions of the Tribunal in the *Saiga*, *Southern Bluefin Tuna*, and *Camouco* cases. There are nine annexes providing useful information and related documentation.

Given the complexity of Part XV of UNCLOS, this is a commentary which will be required reading for foreign ministries and practitioners engaged on law of the sea matters. It benefits throughout from helpful reference to relevant decisions of the Tribunal, notably on the prompt release articles. On topics where the opportunity for judicial interpretation has not yet arisen, the commentary is inevitably sparser. Happily, the author does not overdo his natural judicial reticence: instead he affords most welcome guidance and reassurance on several questions of interpretation and procedure which can sometimes be

difficult and uncertain. Where difficulties cannot be resolved by mere scholarship, as in the interpretation of Article 297, he is not afraid to say so. Overall, this text is probably rather more useful than Volume V of the *Virginia Commentary*, and it is certainly more portable. An obvious problem is that it will date quite rapidly, and there is already one decision, the *Southern Bluefin Tuna Arbitration*, which affects significantly the author's discussion of the jurisdictional provisions of the Convention. Interestingly, the arbitrators' reading of Article 281 is not one that is canvassed by the author of this book.

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