Committee, and scientific context of the topic. The second part describes the possible impacts of SLR and the implications to baselines, maritime boundaries, and coastal jurisdictions. The third part focuses on the human mobility aspect of the problem, which refers to migration, displacement, and relocation scenarios resulting from SLR. The last part of the report provides nine principles with commentaries complementing "The Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise".

The book highlights the mismatch between the defence capacities of the least developed low-lying States against coastal inundation that has led to the emergence of legal strategies aimed at ensuring the protection of the rights of States, and of those people who have least contributed to the climate change. The book suggests two general approaches for maintaining existing maritime claims, despite the effects of SLR: freezing the existing baselines or freezing the outer limits of maritime zones. It then discusses the pros and cons of both options and recognizes the significant, associated, legal, and political challenges.

Nevertheless, the book is silent on the required course of action to permanently freeze the location of their baselines or outer limits of their maritime zones. Considering unsettled maritime boundaries, underlying historical geopolitical tensions, and scarcity of natural resources, one may accept that the possible trajectories as suggested by the book should be followed to legally oblige other States to accept the freeze of baselines and/or outer limits of maritime areas. The book also did not consider the theoretical reflection of the proposed solutions on the law of the sea and international law's development.

All in all, this book successfully analyses the emerging state practice in addressing the adverse effects of SLR on maritime areas and, whilst valuable for scholars of international environmental, maritime, and human rights law, it lays a foundation for further analysis of the international law regarding SLR.

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The South China Sea Arbitration: Toward an International Legal Order in the Oceans

by Yoshifumi TANAKA. Oxford, Great Britain: Hart Publishing, an Imprint of Bloomsbury Publishing, 2019. 312 pp. Hardcover: £80.00; eBook (PDF): £35.99. doi: 10.5040/9781509924844

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Two leading international law scholars have accepted that international courts and tribunals have played a part in the development of international law.[1] Arguably, on the one hand, international courts and tribunals recognize and apply the law; on the other, they also help to articulate it. From this perspective, the *South China Sea Arbitration* has

[†] This article has been updated since original publication and the error rectified in online PDF and HTML versions. A notice detailing the changes has also been published at https://doi.org/10.1017/S2044251322000078.

[1] Alan BOYLE and Christine CHINKIN, *The Making of International Law* (Oxford: Oxford University Press, 2007) at 263–311.

been amongst the most important cases by clarifying various concepts of the Law of the Sea, such as those of historic title and historic rights. Nonetheless, the Tribunal's clarification is not free from controversy, with some commentators claiming that "the Tribunal erred in finding that China enjoyed no historic rights in the South China Sea".[2] To understand the controversial and multifaceted issues in the *South China Sea Arbitration*, a thorough analysis is needed, and this has been vigorously provided by Yoshifumi Tanaka.

The Introduction provides a thoughtful narration of the context of the arbitration, the course of litigation, and uses an innovative "triple viewpoint" framework for analysis: first, the legal implications of the awards for the development of international law; second, the protection of community interests; and third, the impact of time (pp.7–16).

Chapter 2 discusses jurisdiction and admissibility, focusing on irregular communications from a non-appearing State; communications from third parties; mixed disputes involving territorial and maritime issues; the interpretation of Article 281 of the United Nations Convention on the Law of the Sea (UNCLOS); and highlighting the interpretation of the Tribunal for securing the effectiveness of the dispute settlement system under UNCLOS.

Chapter 3 covers questions concerning the historic title and historic rights, including considering how China's claimed historic rights to the marine space surrounded by the nine-dash line. To assess China's claimed rights, Tanaka explains that the Tribunal establishes clear criteria for distinguishing the concept of historic title from the concept of historic rights. Furthermore, Tanaka evaluates China's position on historic rights from a historical standpoint, which is a clearer approach than that utilized by the Tribunal in certain ways.

Chapter 4 addresses the legal status of maritime features in the South China Sea, and whether those objects should be treated as "fully entitled" islands, rocks, or low-tide elevations under the UNCLOS. From the perspective of the development of international law, Tanaka argues that the Tribunal's interpretation of Article 121(3) of the UNCLOS aims to protect the community interests rather than the interests of an individual State.

Chapter 5 explores various issues concerning the lawfulness of Chinese activities in the South China Sea. One of the main issues relates to the Philippines' claims that China has violated its general obligation to protect and preserve the marine environment under Article 192 of the UNCLOS. Tanaka points out that the Tribunal's interpretation of Article 192 of the UNCLOS is important in the sense that it expands both to "protection of the marine environment from future damage and preservation in the sense of maintaining or improving its present condition" (p.135).

Chapter 6 provides a rigorous analysis of the legal implications of the South China Sea Awards by using the "triple viewpoint" framework. Concerning the legal implications of the awards for the development of international law, Tanaka mentions how international law's rules have been clarified, consolidated, or created, as well as how procedural rules have been developed through the South China Sea Awards. Concerning the protection of community interests, he discusses how the Tribunal accepted the locus standi of the Philippines, even though the Philippines could not prove material damage from Chinese fishing activities. Tanaka then emphasizes that time elements played a significant role in the interpretation and application of relevant provisions of the UNCLOS and other rules of international law. Finally, Chapter 7 provides a brief conclusion.

Overall, this book has successfully demonstrated how the Tribunal under the compulsory dispute settlement mechanism of UNCLOS has played a modest part in the development of international law. The "triple viewpoint" framework in the first chapter serves as a valuable tool for the reader to understand the various aspects of the Awards in subsequent chapters. The author's careful and thorough analysis seems convincing, as

[2] Chinese Society of International Law, "The South China Sea Arbitration Awards: A Critical Study" (2018) 17(2) Chinese Journal of International Law 207 at 499–535.

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supported by the substantial literature consulted, and is a valuable source of reference for international law of the sea scholars and practitioners.

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Bangladesh and International Law

edited by Mohammad SHAHABUDDIN. Routledge Contemporary South Asia Series Abingdon, Oxfordshire; New York: Routledge a member of the Taylor & Francis Group, 2021. xxvi + 340 pp. Hardcover: AUS$297.90; £120.00. doi: 10.4324/9781003107958

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Mohammad Shahabuddin, the above named editor, is a Professor of International Law and Human Rights at the University of Birmingham and, remarkably, all twenty-nine contributors of the book are originally from Bangladesh – being both established legal academics and early researchers in their particular field of law; thus, the book is unique in that it presents a clear picture of a Global-South State approach to international law.

Part I of the book discusses Bangladesh's engagement in international law. Part II focuses on the two main sources of international law from Bangladesh's perspective: international treaty law and customary international law. Part III examines the statehood of Bangladesh in the context of international law, which includes self-determination, citizenship and statelessness, natural resources, international watercourse law, and marine resources and the blue economy. Part IV addresses international environmental law, climate change and human mobility, and sustainable development in relation to Bangladesh. Part V analyses international economic law with respect to intellectual property rights, the WTO, and some international investment agreements with Bangladesh. Part VI investigates international criminal law from a Bangladeshi perspective. It focuses specifically on the *International Crimes (Tribunals) Act* 1973, the establishment of an International Crimes Tribunal, and the legality of crimes against humanity trials in Bangladesh. The final section, Part VII, deals with various domestic Bangladeshi concerns, including human rights.

Overall, the book suggests that, by virtue of being a State party of international conventions and treaties, and under customary international law, Bangladesh is practicing in and contributing to the development of international law, but in many cases further domestic legal development is needed. For example, Bangladesh relied on the International Tribunal on the Law of the Sea (ITLOS) to settle maritime boundary disputes with Myanmar, which was the first case regarding maritime boundary delimitation before ITLOS (p. 52); Bangladesh's anti-dumping duty case against India in the WTO Dispute Settlement Board (DSB) made it the first Least Developed Country to file a complaint before the DSB (p. 57); and the *Gambia v. Myanmar* case before the International Court of Justice provided Bangladesh with an opportunity to contribute to justice for Rohingya refugees

[†] This article has been updated since original publication and the error rectified in online PDF and HTML versions. A notice detailing the changes has also been published at https://doi.org/10.1017/S2044251322000078.