

most able to contribute to the legitimacy of the tribunals (pp. 159–65). Based on the legitimacy framework and the typology of the *amicus curiae* function, this unprecedented and systematic empirical study provides readers with a comprehensive overview of the practice and satisfactory explanations. The methodology adopted (Annex A) helps readers avoid getting lost in a detailed descriptive analysis of cases. However, in doing so, the cutting-edge legal questions at these tribunals are less discussed.

Within chapters 5 to 7, the authors carefully analyse how civil society, the defence, States, and international organisations may enhance (or undermine) the legitimacy of tribunals, in particular the ICC, by fulfilling the three functions of the *amicus* practice. In conclusion, the authors suggest that the ICC and other tribunals should manage the *amicus* practice within the legitimacy framework. The authors have also provided a valuable Practice Guide for potential civil actors' participation and Chamber's management (Annex C).

This book is an exceptionally high-quality and well-organized work about the role played by the *amicus* among other critical stakeholders in promoting legitimacy for international criminal tribunals. The lens of legitimacy provides an analytical structure for further empirical study. With its clear exposition, this book is an informative and substantive addition to the literature. It should be of interest to international criminal tribunals, civil actors, and persons professionally involved with international (criminal) law.

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## Reflections on the Making of the Modern Law of the Sea

by Satya NANDAN and Kristine E. DALAKER. Singapore: National University of Singapore Press, 2020. xxi + 289 pp. Softcover: SGD \$36.00. doi: unknown

## Geographical Change and the Law of the Sea

by Kate PURCELL. Oxford: Oxford University Press, 2019. 324 pp. Hardcover: £84.00. doi: 10.1093/oso/9780198743644.001.0001

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The year of 2022 will celebrate the 40th anniversary since the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature on 10 December 1982 in Montego Bay (Jamaica). Forty years have passed, and major changes in the world have created new challenges; in particular, the sea level rise has made urgent the debate regarding its implications on international law, and this essay argues that the convention still plays the role of the constitution for the oceans and the seas as a vital basis of their legal order.

<sup>†</sup> 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>.

In 2020, *Reflections on the Making of the Modern Law of the Sea* was published, and it could be considered as a final contribution from one of the titans, and one of the most important architects of UNCLOS, Satya N. Nandan (1936–2020). Nandan and co-author Kristine E. Dalaker vividly recreate the historical landmark Third United Nations Conference on the Law of the Sea (1973–1982). The Conference marked a cornerstone of the codification of the international law of the sea. This book enables the reader to better understand why this Conference extended to almost one decade of negotiations, and how the negotiators overcame various obstacles and difficulties.

The Conference was notable not only for the enormity of its task, but also for its innovations in treaty making. Nandan emphasizes the importance of innovative approaches, such as creativity, and neutrality, in multilateral negotiations. UNCLOS was the result of great contributions, both collective and individual, and of influential experts' initiatives, like those from Jens Evensen, Tommy Koh, Elliot Richardson, and the "Nandan approach". The Convention established certainty in place of the chaos and uncertainty created by the proliferation of unilateral claims before the convening of the conference, and it provides for an equitable relationship among States in their use of the oceans based on their respective geographical characteristics, economic circumstances, political imperatives, and global responsibilities. The Convention serves as a legal framework for cooperation and for peaceful settlement of disputes relating to its interpretation and application.

*Geographical Change and the Law of the Sea* by Kate Purcell aims to analyze the implications of geographical change by rising sea levels and other weather events for maritime jurisdiction under the law of the sea. In this context, scholars have focused attention on the implications of erosion, inundation, loss of habitability, and, in 1990, David Caron suggested the "ambulatory thesis". Accordingly, maritime baselines and zonal limits measured from them as a general rule are ambulatory, "moveable", dynamic, and they shift due to the coastline changes. Therefore, a coastal State could adjust, redraw, or relocate them. More ambitiously, the proponents of the ambulatory thesis proposed reforms such as the amendment of UNCLOS, the negotiation of a new treaty, or the development of a new customary rule through State practice.

In her book, Purcell first highlights the "symbolic" and "functional" roles of geography in law relating to maritime jurisdiction and to maritime limits and boundaries. She agrees that this perspective is consistent with the desire of establishing and ensuring a stable legal order and stability for the oceans and the seas, as provided in the UNCLOS. However, in different parts of her book Purcell concludes that there is no basis in the existing law for the view that States are required to adjust established maritime limits in response to geographical change. She criticizes the arguments advocated by David Caron and his supporters, in that they are not well founded in treaty law or customs. By examining the practice in the United States, the Netherlands, Finland, and Australia she shows that there is no general State practice by which countries updated or revised established maritime limits or baselines in the event of geographical change.

These two books have different styles and approaches. The first is based on a historical perspective and the second is focused on the novel development of geographical change due to rising sea levels or climate change, and their possible impact on the modern international law of the sea. Nevertheless, it is interestingly noted that the authors flag the importance of UNCLOS in ensuring order and stability against chaos and uncertainty at sea. Indeed, the Convention is "the law that rules the waves today", and to support humanity's connection to the sea.

The world has changed dramatically in the four decades since the signing of UNCLOS. New technological developments and emerging natural phenomenon, including climate change and the sea level rise, had not been anticipated by States negotiating UNCLOS.

The sea level rise has now become a global threat and is increasing alarmingly, challenging different areas of international law such as those related to statehood and protection of persons. Taking into consideration the possible legal effects of sea level rise on the questions of the law of the sea, the United Nations International Law Commission in 2019 included the topic of “Sea-level rise in relation to international law” in its long-term agenda and is looking ahead in order to develop appropriate legal solutions.

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## **The Ecology of War and Peace: Marginalising Slow and Structural Violence in International Law**

**by Eliana CUSATO. Cambridge: Cambridge University Press, 2021. x + 312 pp. Hardback: £85.00; eBook: £68.00. doi: 10.1017/9781108939812.**

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International law is a discipline of crisis.<sup>1</sup> Its responses to armed conflict are shaped by visible, tangible, and attributable forms of violence, leading it to miss slow and structural forms of violence. By failing to address such forms of violence, international law contributes to reproducing them. Eliana Cusato’s monograph intervenes in an *en vogue* field of international law due to the discipline’s rediscovery of the crime of ecocide. She investigates how international law governs the environment in times of armed conflict, and how its governance impacts economic, social, and cultural life when hostilities seize. In a discipline too often driven by instant crisis-mode thinking, her monograph reminds us of the importance to pause and self-reflect.

*The Ecology of War and Peace* sheds new light on well-covered territory within the legal academy. Why does international law fail to prevent structural inequalities and leave the most vulnerable behind? She points out that international law frames the world in very specific and manners and that its framings are inapt to capture and address less complex forms of violence. By exposing these framings, demonstrating how they operate, and suggesting a reconsideration of these current framings so as to rescue international law from its complicity in slow and structural forms of violence, this book makes an original contribution to the scholarship on environmental protection in armed conflicts. Cusato’s monograph is based on her doctoral dissertation, which she completed at the National University of Singapore under the supervision of Vincent-Joël Proulx. It has seven chapters, which are divided into two parts.

The first part justifies a change of framing by introducing the reader to concepts from critical literature and feminist and conflict studies. First, Galtung’s concept of “structural violence”, which refers to violence that has no identifiable perpetrator, but is embedded

<sup>†</sup> 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>.

<sup>1</sup> Hilary CHARLESWORTH, “International Law: A Discipline of Crisis” (2008) 65(3) *Modern Law Review* 377.