
This book, published in the prestigious series *Publications on Ocean Development*, looks at some recent ocean developments from a jurisdictional point of view. The author starts out by providing an overview of the attribution of jurisdiction in the law of the sea (Part I). Since the allocation of jurisdiction in international law is normally attributed according to a limited number of principles, the three most relevant manifestations of jurisdiction from an international law of the sea perspective, namely territoriality, nationality and universality, receive a separate introduction (Chapter 1). With respect to the territoriality principle the author focuses first on the extraterritoriality aspects related to this basis of jurisdiction, before expanding on the issue that, as well illustrated by the law of the sea, territorial jurisdiction does not necessarily coincide with the territory of a State. For besides the territorial sea, where States have in principle the same jurisdiction as on land, States also exercise functional jurisdiction over maritime areas such as the contiguous zone, exclusive economic zone (EEZ), or continental shelf. Such territorial jurisdiction, however, is not absolute, and States can by agreement freely dispose of it, as did France and the United Kingdom with respect to the Channel Tunnel in 1991.

Jurisdiction based on the principle of nationality necessarily brings to the fore the interesting issue of whether, and if so in what manner, the genuine link requirement attaching individuals to a particular State on land, according to the *dictum* of the International Court of Justice in the Nottebohm Case (1955), has to be applied at sea in order to make the necessary linkage between a vessel and the State whose flag it flies. The universality principle, finally, with all the present-day developments it has gone through, is still very much tied to the law of the sea for it finds its roots, as it were, in the old law of piracy, an issue which itself is still very topical at present. But these classical manifestations of jurisdiction are not really followed in the law of the sea, where jurisdiction is rather attributed to States in their maritime context, i.e., either as flag States, coastal States, and/or port States (Chapter 2). Flag State jurisdiction, the oldest of all, still plays a major role, even though many challenges are to be noted today mainly because of a perceived lack of effective implementation. Coastal State jurisdiction, on the other hand, has received a boost through the creation of the EEZ concept in the 1982 United Nations Convention on the Law of the Sea (1982 Convention), be it in a very well circumscribed manner. The newest kid on the block, port State jurisdiction, was already
applied to navigational matters in the 1958 Geneva Convention system, but has been expanded by the 1982 Convention to the area of marine pollution, with further developments being worked out at present in the area of fisheries through the Food and Agriculture Organization (FAO). The author then pays special attention to what she calls “concurrent jurisdiction” and by which she addresses the unique situation of the European Community which has exclusive competence in some areas, but shared competence with its Member States in others, resulting in all kinds of most interesting intricate legal questions.

After this introductory part, the author tries to find out why coastal States seem to have a certain restraint to stretch their maritime aspirations ostensibly beyond the legal framework elaborated by the 1982 Convention (Part II). She does so through a number of case studies where the tension in the jurisdictional manifestations between coastal/port States and flag States are most visible, namely the division of jurisdiction inside the EEZ (Chapter 3) and the fisheries jurisdiction in the high seas (Chapter 4).

After having outlined the division of powers in the EEZ according to the 1982 Convention, which carefully avoids qualifying this zone as either forming part of the high seas or the territorial sea, the author highlights the restrictions that the freedom of navigation seems to have undergone through the competence of the coastal State to create special areas. The latter can be established in ice-covered areas (1982 Convention, Art. 234); in the EEZ (id., Art. 211 (6)(a) and (c)); in parts of the oceans under the International Convention for the Prevention of Pollution of Marine Pollution from Ships (1973, with Protocol of 1978); or in particular sensitive sea areas as provided by the International Maritime Organization (2005 IMO Resolution A.982(24)). But the attraction of unilateralism to politicians, especially immediately after a major incident spoiling their coasts, has so far not tempted States to move beyond the 1982 Convention, not even in the special case of the Mediterranean where EEZs have long been totally absent. The author points at the diversity of the ways in which States have drafted EEZ legislation, to argue that this flexibility leaves some leeway to the coastal States to pursue unilateral interest without acting unilaterally.

As far as fisheries jurisdiction on the high seas is concerned, the author argues that the basic framework provided by Art. 117 (duty of States to adopt measures with respect to their own nationals for the conservation of living resources of the high seas) and Art. 118 of the 1982 Convention (cooperation of States to that effect), quickly proved insufficient to adapt to changing circumstances (many high seas fishing fleets started to direct their attention away from the just nationalized EEZ towards the free high seas). Despite the work undertaken in the framework of the FAO (1995 Agreement to Promote Compliance with Conservation Measures in the High Seas (1995 Compliance Agreement); 1995 Code of Conduct for Responsible Fisheries (1995 Code)) and the adoption of the 1995 United