

# Book Review

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## 2025:

- Anderson, Nicholas. (2025). *Inadvertent Expansion: How Peripheral Agents Shape World Politics*. Cornell University Press.
- Barker, Nicholas. (2025). *States, Secessionists and De Facto Control after Separatist Wars: Strategies for Controlling Territories and Populations after Conflict*. Routledge.
- Ó Beachain, Donnacha. (2025). *Unfinished Empire: Russian Imperialism in Ukraine and the Near Abroad*. Agenda Publishing.
- Bueger, Christian, Christian Mendenhall & Rebecca Strating (eds.). (Exp. 2025). *The Politics of Global Ocean Regions*. Palgrave Macmillan.
- Koktsidis, Pavlos I. (2025). *Ethnofederalism in Cyprus: Territory, Power and Security*. Routledge.
- König, Daniel. (2025). *Entangled Worlds: 600–1350*. Harvard University Press.
- Ringbom, Henrik, and Åbo Akademi (eds.). (2025). *The International Convention for the Prevention of Pollution from Ships: A Commentary*. Elgar.
- Thaler, Kai. (Exp. 2025). *When Rebels Win: Ideology, Statebuilding, and Power After Civil Wars*. Cornell University Press.
- Wejnert, Barbara. (2025). *The Global Rise of Autocracy: Its Threat to a Sustainable Future*. Routledge.
- Wigen, Kären (ed.). (2025). *Territorial Imaginaries: Beyond the Sovereign Map*. University of Chicago Press.

## 2024:

- Bueger, Christian, & Timothy Edmunds. (2024). *Understanding Maritime Security*. Oxford University Press.
- Carballo Piñeiro, Laura. (2024). *The Elgar Companion to the Law and Practice of the International Maritime Organization*. Elgar.



- Gerber, James. (2024). *Border Economies: Cities Bridging the U.S.-Mexico Divide*. University of Arizona Press.
- Hall, Ian, Troy Lee-Brown, & Rebecca Strating. (2024). *Blue Security in the Indo-Pacific*. Routledge.
- Ho, Jeong Dan. (2024). *Environmental Damage Caused by Marine Litter: International Regulation and Responsibility*. Elgar.
- Mihaylov, V. (2024). *Bulgarian Geopolitics in a Balkan Context: Imagining the Space of a Nation*. Routledge.
- Moyo, Inocent. (2024). *Cross Border Security in the Southern African Region: Transcending Statolatry*. Routledge.
- Vergnano, Cecilia. (2024). *Alpine Border Conflicts: Migration and Social Polarization in the Everyday Life of Intra-EU Borders*. Lexington Books.

## **2023:**

- Caverley, Jonathan D., & Peter Dombrowski. (2023). *Security Studies in a New Era of Maritime Competition*. Taylor & Francis.
- Chandra, Vivek. (2023). *The Law of the Sea and Maritime Boundary Disputes in Areas of Hydrocarbon Potential: A Review of Global Hot Spots*. Routledge Research in Law of the Sea Series. Routledge.
- Kaplan, Robert D. (2023). *The Loom of Time: Between Empire and Anarchy, from the Mediterranean to China*. Random House.
- Larsen, Jessica. (2023). *Counter-Piracy Law in Practice: An Ethnography of International Security Governance*. Routledge.
- Peña, Juan Cayón, & J. Martín Ramírez. (2023). *Threats to Peace and International Security: Asia Versus West: Current Challenges in a New Geopolitical Situation*. Springer Nature Switzerland.
- Shimada, Ryuto, & Radhika Seshan. (2023). *Connecting the Indian Ocean World: Across Sea and Land*. Taylor and Francis.
- Vrancken, Patrick. (2023). *State Ocean Jurisdiction*. Routledge Research in the Law of the Sea Series. Routledge.

## *Change in the Law of the Sea: Context, Mechanisms and Practice*

Rozemarijn J. Roland Holst (2022). Leiden: Brill Nijhoff. 372 pages. ISBN: 978-90-04-50854-5, hardcover, \$202; ISBN: 978-90-04-50855-2, e-book, \$202.

*Change in the Law of the Sea: Context, Mechanisms and Practice* is a timely aid to scholars and practitioners in the law of the sea who seek to make sense of this field of international law during a time of challenge and change. As is well known, anthropogenic climate change is causing multiple and cumulative impacts on the oceans, including increasing acidification and warming, sea-level rise, loss of biodiversity and other disruptive effects on the habitats and health of marine species. Against this backdrop, Rozemarijn Roland Holst's book rightly emphasizes the Anthropocene as a key part of understanding the present *context* generating demand for change in the law of the sea (p. 16), which crucially is a context radically different from that in which UNCLOS first emerged. To answer the question of "how an 'old' treaty like UNCLOS [...] can respond to demand for change

arising from its contemporary context” (p. 4), the book identifies two related categories of *mechanisms* for change—firstly, treaty-based mechanisms rooted in the terms of UNCLOS and the institutions it establishes, and secondly, mechanisms outside UNCLOS, “arising from the wider dynamics within international law” (p. 22)—to which it gives thorough and insightful treatment.

The book comprises seven chapters. Chapter 1 introduces the central concepts and overarching question of the book (noted above), observing that like international law in general, “a certain ‘mutability by design’” is built into UNCLOS (p. 21), and therefore the book proceeds on the premise that the conclusion of a treaty should be considered as part of “an ongoing ‘law-building’ process” (p. 4).

Preparing the reader for the book’s core chapters on context, mechanisms and change (whose centrality is signaled in the book’s title), Chapters 2 and 3 step back to look respectively at questions of history and the “deep structure” of UNCLOS. In Chapter 2, Roland Holst examines the dominant forces that shaped the development of UNCLOS, particularly highlighting the “rapid diversification of state interests in ocean space as a result of new exploitation prospects, the political dynamics of the postcolonial era, and a growing awareness of both the potential and the perils of spatially shared ocean space in an increasingly globalized world” (p. 49). The chapter demonstrates how despite this diversification, the conclusion of UNCLOS should be seen as a (largely successful) attempt to rein in unchecked unilateralism, instead bringing this diversity of ocean interests under a central international system. Importantly, this also had the effect of putting in place “substantive and procedural parameters, a frame of reference” within which the future development of the law of the sea was to take place (p. 50). Chapter 3 then explores the balancing of interests embodied in UNCLOS through tracing how the foundational concepts of the freedom of the seas and sovereignty are framed and balanced in each of the maritime zones.

Chapter 4 turns to treaty-based mechanisms for change, that is, mechanisms envisaged in the terms of UNCLOS itself or brought about through the institutions it creates. Roland Holst identifies three categories of such mechanisms. Firstly, the chapter examines treaty-based mechanisms for formal change brought about by UNCLOS parties. The key mechanisms under this category include the UNCLOS formal amendment procedures, the role of the Meeting of States Parties to the Law of the Sea Convention, and the role of the UN General Assembly. However, Roland Holst concludes that overall, such mechanisms “have historically played a very limited role in developing the Convention” (p. 166). Secondly, the chapter considers the role of UNCLOS institutions as a mechanism for change, looking respectively at the Commission on the Limits of the Continental Shelf (CLCS), the International Seabed Authority (ISA), and dispute settlement before the International Tribunal for the Law of the Sea (ITLOS). Although the workings of the CLCS and ISA might not often be considered to embrace the potential for change in the law of the sea, Roland Holst persuasively demonstrates and argues how both institutions have “shaped the implementation and development of the law through non-linear processes that are interactive, and not necessarily captured in the doctrine of sources,” and how “institutional practice communicates closely with state practice” (p. 166). Thirdly, the chapter focuses on the role of “rules of reference” in UNCLOS as a potential mechanism for change, noting that the varying degrees of normativity in rules of reference usually relates to how the balance of interests was ultimately struck in that part of the Convention (p. 156). While this is a clear example

of in-built flexibility in UNCLOS—a technical, textual mechanism designed to allow for “harmonization of UNCLOS’ general provisions with existing and future standards” (p. 167)—Roland Holst also hints at their potential for uncertainty.

Chapter 5 turns to mechanisms of change by reference to actions or frameworks outside UNCLOS, what Roland Holst calls “change through interpretative practice,” considering both judicial and State interpretative practice. Following an overview of treaty interpretation and the framework for it reflected in the Vienna Convention on the Law of Treaties, Roland Holst offers a useful clarification on the meaning of “evolutionary interpretation,” concluding that “there is no need to label a particular interpretative approach as an ‘evolutionary interpretation,’” nor to label it expressly as interpretation by subsequent practice or subsequent agreement (p. 196). Instead, Roland Holst proposes that the general rule of interpretation should more usefully be understood to allow for a range of means of pragmatic interpretation “to give *effect* (in light of the object and purpose of the treaty), in *good faith*, to the *contemporary shared expectations* of the parties” (p. 197, original italics). With that understanding, the chapter identifies common opportunities (or “openings”) for judicial development through interpretation, including where UNCLOS provides for recourse to general international law, and in relation to broad obligations with evolving content, such as those relating to due diligence. The chapter also considers the interpretative practice of States, such as through interpretative agreements and subsequent practice, ultimately observing that in relation to all methods of change through interpretative practice, “whether an interpretative argument is ultimately acceptable to the relevant community depends not only on the chosen means of interpretation, but also on whether it connects to the past and present context of the treaty, by doing justice to the kind of relationships it establishes, and the current expectations of the parties” (p. 245). This conclusion clearly links back to Holst’s conclusions on the centrality of the “balance of interests” unpacked in Chapter 3.

Chapter 6 presents examples of change in practice, selecting several case studies that are characteristic of or prompted by the context of the Anthropocene. For example, the chapter considers the capacity for the pollution prevention obligations in UNCLOS to serve as mitigation measures, for example, in relation to ocean acidification (whether by means of the “rules of reference” included in UNCLOS, or in the interpretation of the requirements of “due diligence”). The chapter also considers change “in response to evolving scientific knowledge and a shifting balance of interests” (p. 285), considering the drafting of exploitation regulations for the area. Chapter 7 sums up the book’s arguments and conclusions.

*Change in the Law of the Sea: Context, Mechanisms and Practice* is an articulate, persuasive and thoroughly substantiated work, presenting a unique study on the context, mechanisms and practice of change in the international law of the sea. The book complements general studies on the history and development of the law of the sea<sup>1</sup> and specific works on particular aspects of treaty interpretation<sup>2</sup> or the decisions of courts and tribunals,<sup>3</sup> and builds upon and updating earlier works with similar concerns.<sup>4</sup>

Three years from its initial publication, it is instructive to briefly observe recent developments in relation to two topics mentioned in the book. Roland Holst identifies the due diligence obligation as an “opening” for the judicial development of the law of the sea by interpretation. This observation is borne out in the recent reasoning of ITLOS, where in finding that States are obliged to act with due diligence in taking necessary measures to prevent, reduce and control marine pollution arising from anthropogenic greenhouse gas emissions,

ITLOS clarified that the standard of due diligence is “stringent, given the high risks of serious and irreversible harm to the environment from such emissions,”<sup>5</sup> adding also that compliance with a State’s obligations under the Paris Agreement does not necessarily satisfy that stringent standard of due diligence necessary for satisfaction of its obligations under Article 194 of UNCLOS.<sup>6</sup>

Furthermore, Chapter 6 mentions that “perhaps the most fundamental outstanding question as regards legal adaptation to changing physical circumstances is that of the effects of sea-level rise on existing baselines and maritime boundaries” (p. 282), in particular, the feasibility of “an adaptive interpretation” (p. 283) of relevant UNCLOS provisions to allow for stable baselines and maritime zones. In the book, Roland Holst expressed the view that, particularly as there is little appetite for formal amendment or law-making processes, it is through other mechanisms such as State practice that will most likely determine how the law will adapt to this issue (p. 308). In examining State practice since the date of the book’s publication, the International Law Commission (ILC) has observed an increase in States’ support for “an interpretation of the Convention in the sense that it did not forbid or exclude the option of fixing baselines. In doing so, [States] had stressed the importance of interpreting the Convention with a view to preserving maritime zones, and had noted that the Convention did not prohibit the freezing of baselines.”<sup>7</sup> In reaching this view, the ILC had regard to a range of State practice, including information submitted to the ILC and statements delivered at the UN General Assembly.

These developments demonstrate the continuing salience of Rozemarijn Roland Holst’s book. While this book keeps sight of the connections between the international law of the sea and general international law, its main insight is to illuminate what this means for the availability of mechanisms for change for the law of the sea in particular, an area of international law increasingly called upon to respond to the uncertainty and unpredictability of the Anthropocene.

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## Notes

1. For example, James Harrison, *Making the Law of the Sea: A Study in the Development of International Law* (Cambridge University Press, 2011).

2. For example, Irina Buga, *Modification of Treaties by Subsequent Practice* (Oxford University Press, 2018); Eirik Bjørge, *The Evolutionary Interpretation of Treaties* (Oxford University Press, 2014).

3. For example, Natalie S. Klein and Kate Parlett, *Judging the Law of the Sea: Judicial Contributions to the UN Convention on the Law of the Sea* (Oxford University Press, 2022).

4. For example, Alex G. Oude Elferink (ed.), *Stability and Change in the Law of the Sea: The Role of the LOS Convention* (Martinus Nijhoff, 2005).

5. *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law* (ITLOS Case No. 31, 2023), para. 243.

6. *Ibid.* para. 223.

7. For example, see State practice discussed in Bogdan Aurescu and Nilüfer Oral, *Additional Paper to the First Issues Paper* (UN International Law Commission, Study Group on Sea-level Rise in Relation to International Law, 2023).

