is not only deficient, but may, in fact, "contribute to the injustices associated with globalization, by perpetuating inherent imbalances in power, resources, and capacity or by failing to operate in ways that correct the imbalances" (p. 648). Decisions to bring the ILO Declaration into the mainstream of international and domestic policy circles are integral to the task, described by the World Commission on the Social Dimension of Globalization, of integrating a values base into existing legal frameworks.

The turn to values, rather than sidestepping the redistributive nature of labor laws, must emphasize it.[9] Moreover, an emphasis on the notion of "decent work"—considered by former ILO director Jean-Michel Servais[10] to be a key feature of ILO reform—establishes a firm foundation for arguing that globalization involves normative baselines below which no one should be required to work.

Like Bronstein, Diller also identifies the importance of representation, arguing that the construction of a values foundation comprises "both just outcomes and fair processes" (p. 654). She argues for greater international policy coherence, notably in the field of migration (she suggests a framework accord), and for more participatory, transparent, and accountable governance systems that include meaningful dialogue for "traditionally under-represented" (p. 656) groups.

Taken together, these essays respond to Simpson's second concern that attention to trade, global production systems, investment, and growth would undermine the ILO's central standard-setting role; they emphasize the interrelatedness of the policies and imply that the ILO must be able to engage issues such as the relationship between labor standards and international trade if it is to remain relevant and ensure international policy coherence. Moreover, the essays affirm—as does Simpson—that international labor law is a crucial part of the normative challenge to a particular vision of economic globalization. *ILO Mélanges* as a whole would have been more compelling, however, had there been more systematic attention given to the relationship between ILO standards and other forms of international economic policymaking.

It is not surprising that one of the volume's editors, Jean-Claude Javillier, argues that international labor insiders should follow the late Valticos's noble tradition of writing—from their important vantage point—about prospects for international labor law's future. *ILO Mélanges* is a reminder that the ILO's staff members have much to contribute both to the knowledge base and to the values that inform scholarly debates on international labor law. Although some further streamlining and prioritization of the book and its themes would have produced a better overall result, the collection repays the effort required to read it in three languages. It is recommended reading for students of international law and policymakers alike.

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Maritime Delimitation. Edited by Rainer Lagoni and Daniel Vignes. Leiden, Boston: Martinus Nijhoff, 2006. Pp. viii, 241. $119, €88.

Maritime Delimitation, edited by Rainer Lagoni and Daniel Vignes, is a collection of twelve essays by judges of the International Tribunal for the Law of the Sea (ITLOS) and by distinguished law of the sea scholars and practitioners. The essays were originally presented at a 2004 symposium on maritime delimitation that was organized by the International Foundation for the Law of the Sea in cooperation with the Association internationale du droit de la mer, the Institut du droit économique de la mer (Monaco), the Law of the Sea and Maritime Law Institute of the University

[9] This point is developed in helpful detail in Kerry Rittich, "Core Labor Rights and Labor Market Flexibility: Two Paths Entwined?" *in* LABOR LAW BEYOND BORDERS: ADR AND THE INTERNATIONALIZATION OF LABOR DISPUTE SETTLEMENT 157 (International Bureau of the Permanent Court of Arbitration ed., 2003).

[10] Jean-Michel Servais, *Globalization and Decent Work Policy: Reflections upon a New Legal Approach*, 143 INT'L LAB. REV. 185, 185 (2004).

* I thank David Trubek for comments on an earlier draft of this book review.

of Hamburg, the Federal Maritime and Hydrographic Agency, and the Bucerius Law School, Hamburg.

As in most collections of essays presented at symposia organized around a central subject—in this case, maritime delimitation—this volume presents an overview that is simultaneously broad and selective. The strength of this volume lies in the occasional suggestion or insight offered by some of the authors on specific matters, whether concerning state practice or binding dispute settlement procedures for maritime boundaries. Thus, while the person who is not familiar with this field will find in this volume a healthy overview and discussion of selected maritime boundary considerations, the specialist will value some of the detailed commentary presented at this 2004 symposium.

The volume's twelve essays can be lumped into three basic categories. The first four—by Laurent Lucchini, professor emeritus of the Université Paris 1, Rüdiger Wolfrum, president of ITLOS, Santiago Torres Bernárdez, member of the Institute of International Law, and Tullio Treves, an ITLOS judge—address specific matters relating to the compulsory binding dispute settlement mechanisms of the 1982 Law of the Sea Convention as they pertain to maritime boundary disputes. The next grouping of essays discusses specific questions, largely of an organizational nature, that arise when states negotiate or prepare to adjudicate their maritime boundaries. These essays are by Martin Pratt, director of research at the International Boundaries Research Unit, Rodman Bundy of the law firm Eversheds, Frere Cholmeley, David Anderson, an ITLOS judge who retired in 2005, and Thomas Mensah, another ITLOS judge who retired in 2005 (and who served as president from 1996 to 1999). The last four essays, which all address matters of state practice, were written by Chris Carlton, head of the Law of the Sea Division of the British Hydrographic Office, Tullio Scovazzi, professor of law at the University of Milano–Bicocca, Budislav Vukas, who also stepped down as an ITLOS judge in 2005, and Irini Papanicolopulu, a researcher at the University of Milano–Bicocca.

In the book's first essay (the only one in French, the rest being in English), Lucchini reviews the evolution of the international jurisprudence on maritime delimitation. He observes that today the current practice of courts and tribunals is to draw a provisional equidistance line as a first step in their analysis. The second step is to consider whether the equidistance line produces an equitable result, and the third step is then to adjust that line if necessary. Lucchini notes that this process represents a considerable development in the law, but goes on to add that the development of the law on maritime delimitation is not complete. First, in the conceptual analysis of a delimitation problem, considerable subjectivity remains, such as in the determination of relevant coasts. Second, the jurisprudence on delimiting the continental shelf beyond 200 nautical miles from the coast remains to be developed.

Wolfrum's essay follows and is of particular note. He examines the application of the 1982 Convention's Part XV dispute settlement mechanisms to delimitations of the outer continental shelf—a question that has been the subject of some controversy in the academic literature. The interrelated issues here are the role and functions of the Commission on the Continental Shelf (Commission), the authority of a coastal state to set its limits "as final and binding" pursuant to Article 76(8) of the 1982 Convention, and the lack of authority given to the Convention's institutions to challenge such limits.

Wolfrum argues that while the Convention's compulsory dispute settlement mechanisms do not enable either a coastal state to challenge the Commission's recommendations or the Commission to challenge a delimitation effected by a coastal state, such recourse is available to third states, with coasts adjacent or opposite to the delimiting state, when such a delimitation infringes upon their rights. This conclusion itself is perhaps not controversial, but Wolfrum goes on to argue a point that is. He posits that any state may invoke, on behalf of the international community, Part XV dispute settlement mechanisms against delimitations of the outer continental shelf that (1) are not based upon a recommendation of the Commission or (2) unjustifiably encroach

upon the international deep seabed area. He argues that since the Convention does not give the International Seabed Authority either the competence or standing to act in this regard, it falls to states to protect community interests under principles of state responsibility and the common heritage principle. This perspective is surely one that will both garner much comment and be tested in due course under the Convention's dispute settlement procedures.

Santiago Torres Bernárdez—a former registrar of the International Court of Justice who has served as judge ad hoc in a number of cases—analyzes and compares the Statutes, Rules, and practice of the ICJ to those of ITLOS with regard to provisional measures and intervention. While there are, in that context, actually more similarities than differences, there are nonetheless key differences that raise important and unanswered questions. For instance, Bernárdez asks whether ITLOS, like the ICJ, has a general competence to deal with mixed disputes (maritime and land territory), whether the ICJ, like ITLOS, is empowered on the basis of its Statute and Rules to order provisional measures under the general interest of preventing "serious harm to the marine environment," and whether Article 31 (3) of the ITLOS Statute[1] should be read into Article 62 of the ICJ Statute (on requests to intervene) as concerns the obligations of intervening states. These questions, too, will surely be raised again in international litigation in years to come.

The essay by Treves addresses two policy choices that states parties to the Convention have: (1) referring to Article 287 ("Choice of Procedure"), what body will exercise compulsory jurisdiction over delimitation disputes under the Convention, and (2) referring to Article 298 ("Optional Exceptions to Applicability of Section 2"), what will be the scope of such jurisdiction. The general thrust of this essay is to raise in a most diplomatic way the question of whether some states parties have thought through clearly the pros and cons of their choices or lack thereof. In particular, Treves notes that since most states have not made an affirmative choice under Article 287, they are deemed to have chosen arbitration. After reviewing certain often-stated and arguable advantages of arbitration over permanent bodies, he suggests that those advantages do not always obtain. In particular, he notes that ITLOS and the ICJ as standing bodies have their own positives for parties to a dispute—namely, low costs and predictability in light of prior decisions. While acknowledging that there are legitimate reasons for choosing arbitration, Treves argues that the permanent bodies merit a more considered look.

Pratt leads off the next set of essays with a discussion of geographical expertise and its role in maritime boundary delimitations. He reviews the assistance that technical experts provide in negotiations and in legal proceedings as part of national teams. He goes on to note that such assistance is necessary not only for the states concerned, but also for courts and tribunals: as boundary awards come under increased technical scrutiny, technical imprecision can lead to difficulties and possible conflict. Pratt concludes by discussing key technical aspects of maritime delimitation in which expert advice is essential if technically precise maritime boundaries are to be established.

Bundy's essay provides an overview of the relevant considerations that should be taken into account in preparing a maritime boundary case for litigation—which serves as a useful guide to states and practitioners alike. The author, who brings considerable experience to the subject, observes that it is essential to assemble a team of international counsel—expert in maritime delimitation and also representative of different legal perspectives—able to present a case that appeals to a diverse standing judicial body or arbitral tribunal. The international counsel must be supplemented by various technical experts, as discussed in Pratt's essay, and the team must be headed by an agent or co-agent who has political authority to gather relevant state documents and also the authority to make important decisions as they arise during the course of the litigation. The litigation team should analyze the critical "relevant circumstances" that characterize the disputed area, which may include:

[1] Article 31(3) provides: "If a request to intervene is granted, the decision of the Tribunal in respect of the dispute shall be binding upon the intervening State Party in so far as it relates to matters in respect of which that State Party intervened."

(1) the geography of the relevant area; (2) coastal lengths; (3) islands, low-tide elevations, and geographic anomalies; (4) state conduct pertaining to the disputed area; (5) economic factors; (6) historic rights; and (7) the presence of third states. Bundy also addresses overall litigation strategy.

Anderson's essay focuses on the negotiation of maritime boundary agreements. With his extensive experience as a legal adviser in the United Kingdom's Foreign and Commonwealth Office, there are few who are better qualified to address this subject. It should be no surprise that he believes negotiations should be the preferred method for resolving any maritime boundary question. As a result of the 1982 Convention and the consistent approaches and methodology of the post-1992 decisions of international courts and tribunals, the modern law facilitates this approach by providing a legal basis upon which to negotiate boundary agreements.

During the prenegotiation phase, Anderson, like Bundy, recommends that states assemble a team of legal, political, and technical experts who will prepare by studying the full history and background of the boundary area. He places particular emphasis on the input of technical experts, such as hydrographers and cartographers, who can assist in determining the starting point in negotiations. Negotiations should follow adopted guidelines, and legally sound positions should be expressed rationally and firmly. Opening proposals should be precise and accompanied by a map or chart with the proposed line and an explanation of its justifications. Negotiators should be prepared to move from their initial positions, albeit at the right time. Once agreement is reached, Anderson advises that the form of the agreement should be considered before drafting begins. With regard to content, it is essential that the line be precisely established; "vague expressions or geographical descriptions" of the line are a recipe for future disputes, a point also made by Pratt. Anderson concludes by emphasizing that when negotiations fail despite negotiators' best efforts, the two governments have the option to draft a *compromis* and to submit the dispute to an impartial body.

Mensah's essay examines joint development zones as viable alternatives in many maritime boundary situations. In his view, joint development zones may be beneficial (1) as a part of a final boundary agreement, (2) where the conditions are not present for a final settlement of the boundary dispute, but the concerned states wish to put the dispute aside and exploit the area's resources, or (3) where resources straddle an agreed boundary, thus making it difficult for either state to exploit those resources alone. He notes that in state practice, joint development zones take on various forms. In some cases, formal sovereignty over the disputed area rests with one state, but revenues from the area's exploited resources are shared. In other cases, sovereignty over the disputed area is divided, and arrangements are made whereby each state receives a share of the revenues from resources exploited in the other state's area. In between these two models lie various other forms of joint development zones, with arrangements ranging from the simple to complex. Regardless of form, Mensah argues that joint development zones may have benefits in addition to resolving or addressing the underlying dispute. As one example, though joint development zones are not explicitly mentioned in the Convention, Mensah observes that by employing joint development zones, states realize the Convention's objective to "promote the peaceful uses of the seas and oceans [and] the equitable and efficient utilization of their resources."

The essay by Carlton, the first of four that address aspects of state practice, provides an overview of maritime boundary delimitation in the complex situation of the Caribbean Sea. He addresses agreements already reached and also those that remain to be determined. Of the twenty-one maritime boundaries established in the Caribbean, fifteen appear to be based on median/equidistance principles, and the remainder appear to be either pragmatic or the result of a significant adjustment of the median line. He argues that the conditions are present in many parts of the Caribbean that make the median line solution equitable—reflecting the geographic parity among states. Going forward, he believes that it is logical that the Caribbean follow the general global trend of a median line–based solution where geographic parity is present. Of course, he is the first to acknowledge that the median line will not solve

every problem in the Caribbean and that in some cases a departure will be required to achieve an equitable solution.

The essays by Vukas and Scovazzi examine maritime delimitation in the Adriatic Sea and legal questions arising between Croatia, on the one hand, and Italy and Slovenia, on the other. These two essays examine the present situation in the Adriatic in considerable detail, albeit sometimes from distinctly different perspectives. Specialists will find the essays interesting and noteworthy because of the insights and the factual and legal analysis set out by these two knowledgeable and experienced observers of the region. Those who are not specialists will find that the two essays demonstrate why maritime boundaries become so complex, even when they might appear so simple to the uninitiated.

In the concluding essay Papanicolopulu considers whether there are any rules of international law that concern the extension of existing boundaries to the delimitation of new maritime zones—in particular, the question whether existing continental shelf boundaries should become exclusive economic zone boundaries. After reviewing state practice, he concludes that, partly as a result of the silence of the relevant international conventions on this matter, there are no established rules. Solutions will depend on the terms of preexisting delimitation agreements, on the nature of the areas to be delimited, and on the interests of the neighboring states. In his view, the burden is on the state that seeks to depart from the preexisting line to justify the reasons for doing so. Papanicolopulu stops short, however, of calling for an automatic extension of existing boundaries to new zones of jurisdiction, as that would be contrary to the Convention's principle that the delimitation of maritime zones "shall be affected by agreement."

The essays in *Maritime Delimitation* cover a wide range of subjects pertaining to maritime boundaries and the delimitation process. Some of the essays cover familiar subjects in a fully competent and professional manner (though without adding much to what has been written and said elsewhere). Other of the essays—and here we would put those by Wolfrum, Bernárdez, and Treves—raise new and important considerations about compulsory dispute settlement under the Convention. The editors are to be congratulated for their work in putting this volume together.

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India and International Law. Edited by Bimal N. Patel. Leiden: Martinus Nijhoff Publishers, 2005. Pp. xii, 379. $179, €125.

As part of its centennial celebration, the American Society of International Law reached out to international law societies to continue the process of learning how non-U.S. lawyers address international law, and to understand better the application of international law beyond the United States. In this context ASIL President James Carter and ASIL members attended, in November 2004, the Second International Law Conference of the Indian Society of International Law (ISIL) in New Delhi, India—the capital of the world's most populous democracy. The conference attracted legal scholars, lawyers, and government officials from around the world. Carter and others from the ASIL were able to meet with, and learn from, Indians who have studied and worked in international law.

One of my objectives in attending the New Delhi conference was to determine firsthand whether Indian scholars and lawyers have a uniquely Indian approach to international law. If so, what are the features of that approach, and what does it mean for international law? Dynamic presentations challenged Western approaches, particularly in the areas of international trade law, foreign direct investment, and unilateral state action. The long, lively debate and discussions fit Amartya Sen's description of an "argumentative tradition" in India,[1] one that has fostered "the development of democracy in India and the emergence of its secular priorities."[2]

Not long after the ISIL conference, and independent of it, Bimal Patel of the Organization for the Prohibition of Chemical Weapons compiled

[1] AMARTYA SEN, THE ARGUMENTATIVE INDIAN 14 (2005).

[2] *Id.* at 12.