

INTERNATIONAL CONTROL OF SEA RESOURCES. By Shigeru Oda. [Leyden: Sythoff. 1963. 215 pp. D.fl. 29.50]

The purpose of Professor Oda's *International Control of Sea Resources* is to examine the law on this subject particularly in the light at the Geneva Conventions on the Law of the Sea, the preparatory work on the subject done by writers and in the International Law Commission, and State attitudes as reflected in the comments made in the debates at the two United Nations conferences.

The learned author starts from the premise that "under traditional and existing concepts, the extent of the territorial sea prima facie corresponds with the monopoly of marine resources by the coastal state." It is of course to be expected that littoral states will monopolise the marine resources in their territorial sea, but to make the extent of that belt coincident with the monopoly tends to ignore the significance of defensive interests in determining territorial limits.

Many of the modern arguments in favour of a monopoly on behalf of the littoral state base themselves, at least in public, on the alleged poverty of the local economy. Professor Oda, while recognising that this view is popular with under-developed states, agrees with those who criticise the recognition of special fishing rights for coastal states, particularly in the absence of compulsory judicial settlement. There is much to be said in favour of his view that a "monopoly, to be justifiable, must be shown to be preferable to joint usage and common access for all the world... [and] poverty has little to do with the length of a nation's coastline."

Professor Oda's account constantly brings out the importance of national interest in such a matter as international control of sea resources. More than once he refers to the antagonism towards Japan of such countries as the United States, Canada, the Soviet Union, Australia and Korea "who were afraid of competing with the Japanese", but he does not explain the extent to which pre-war Japanese overfishing and disregard of conventions has been responsible for the creation of distrust rather than fear.

The learned author is critical of some of the principles which have come to be accepted since the 1958 Conventions. He rightly indicates the paradox in a Convention which grants exclusive rights regarding the continental shelf and its resources, and then says that the status of the waters remains unaffected. If this is so, Professor Oda enquires how control is to be exercised. Where sedentary fisheries are concerned he rejects the usual practice of treating these as a special issue. He views them as any other high sea fishery and denies that sovereignty exists over the beds where they lie. He also does not see any reason to exclude foreign fishermen from plying their activity from permanent installations fixed to the seabed — anyway, this he regards as a measure of regulation rather than conservation.

Allowing for any special national view that may, directly or indirectly affect his approach, Professor Oda has provided a most useful contribution to the study of *International Control of Sea Resources*.