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## Book Reviews

Ian Urbina. ***The Outlaw Ocean: Crime and Survival in the Last Untamed Frontier***. New York: Alfred A. Knopf, 2019. Pp. 544. \$26. ISBN: 9780451492944.

Ian Urbina's *The Outlaw Ocean* is a compelling, sobering and wide-ranging exploration of legal failures, outrages and curiosities on the world's oceans. The book is presented as a series of standalone essays dealing with related topics, the reader being trusted to 'connect the dots' (at xiii). This leads to occasional variations in tone from the wry and slightly comical – as in the chapter on the 'rusty kingdom' of Sealand, perhaps the world's most famous purported micro-state – to much darker sections dealing with modern slavery at sea. These include distressing tales such as that of Lang Long, a fisherman frequently shackled by the neck and sold between fishing vessels over two years of captivity. Many chapters deal, directly or indirectly, with the scourge of illegal or unregulated fishing. Through interviews with sailors, activists, coastguard officers and others who live and work on the high seas, Urbina paints a picture of an often unregulated and chaotic environment, rife with exploitation and abuse. Urbina is admirably open about his interviewing technique, his preconceptions and the risk of even being 'manipulative' in getting his subjects to open up (at 232). The results, however, are vivid and often confronting.

The book has 15 substantive chapters covering a range of themes. Three deal with activism at sea. Two chapters cover the work of the environmental activist group Sea Shepherd: one on the 110-day pursuit by Sea Shepherd of the fishing vessel *Thunder* in 2015 (Chapter 1); a second dealing with the legal conflict between Sea Shepherd and the Japanese whaling fleet and government (Chapter 15). A third chapter reports the work of Women on the Waves, a group that provides shipboard medical abortions outside the territorial sea of states with restrictive abortion laws (Chapter 5). Several chapters deal with the challenges for small or poorly resourced states in managing fisheries, including chapters on Palau's efforts to patrol its exclusive economic zone (EEZ) (Chapter 2); clashes between the Indonesian coast guard and Vietnamese fishermen illegally fishing in Indonesian waters (Chapter 12); and the complex web of politics surrounding fisheries enforcement in Somalia and the underlying threat that, if these issues are not addressed, there may be a resurgence of piracy (Chapter 14). Indeed, the sensitivities and complexities of politics and governance in Somalia – and the tensions between its supposedly federal government in Mogadishu and the semi-autonomous region of Puntland – is deftly conveyed in one of the book's best chapters.

At least four chapters touch on exploitative labour practices at sea: the scandal of the *Oyang 70*, an unsafe 38-year-old, 242-foot fishing vessel that sank off the coast of New Zealand in 2010, exposing the role of forced labour in foreign fishing fleets (Chapter 4); how easily the sea becomes a prison to those working or travelling upon it (Chapter 6); the labour brokers implicated in various maritime abuses and how they

evade responsibility while impoverished ‘middlemen’ recruiters are jailed (Chapter 8); and outright sea slavery (Chapter 10). Urbina interviews sailors who have been forced to work inhuman hours for little pay, often in dangerous and unhealthy conditions. The dangers include not only those of the ocean but also violence – including sexual violence – from captains and officers. Many of these sailors come, notoriously, from impoverished communities in developing countries, making them easy targets for exploitation. Violence is never far from the surface in these tales, and so it is unsurprising that a whole chapter is given over to the prevalence of violent crime and unsolved murders at sea and the recent rise of maritime private armed security (Chapter 13). Several chapters address topics beyond fisheries crime and worker exploitation. Environmental topics include the protection of coral reefs from oil exploration activities off the Amazon (Chapter 9) and illegal waste dumping at sea (Chapter 11). Two rather more colourful chapters address the strange tale of Sealand (Chapter 3) and the possibly stranger work of maritime ‘repo-men’ who take vessels embroiled in legal disputes out of port under the cover of darkness (Chapter 7).

It is a broad-ranging book. And it is consistently engaging. Urbina expertly weaves together interviews and first-hand accounts of his own experiences investigating these stories. The result is a detailed account of the lived experience of those who work on the oceans and an eyewitness account of the alarming state of ocean ecology. What should we, as lawyers, make of a book such as this? It is fond of the aphorisms ‘outlaw’ and ‘lawless’, even when acknowledging the web of treaties and other laws governing maritime affairs and while distinguishing between law and its enforcement. In fairness, it does not aim to explain the law of the sea and wider maritime law to a lay audience. Nonetheless, it often does a good job of highlighting the interplay of law and social reality. An example comes in the account of a ship repossession at risk of coming unstuck when, having successfully liberated the ship from the grip of Athenian creditors, the maritime ‘repo-man’ who Urbina is shadowing becomes caught in a three-way fight between the captain, the operating company and the ship’s mortgage providers over the vessel’s destination for sale.

Similarly, the legally structured unaccountability that results from maritime workers being passed from recruiter, to manning agencies, to a ship is well documented in many of his stories. As Urbina puts it, these companies provide not just a ‘buffer of responsibility’ between shipowners and workers but also through ‘undercutting wages and tricking workers’ they provide the ‘efficiencies’ that make tuna a cheap product on supermarket shelves (at 192). References to the ‘sovereignty’ of Sealand might make a lawyer wince (at 74), as might the reference to ‘federal’ law in Ireland and Poland (at 114) or the assessment that the law applicable to drilling for oil on a state’s continental shelf beyond the EEZ is ‘more tangled than ... [in] national waters’ (at 215). (It is not, though, as Urbina notes, the law of environmental protest against drilling might be.) But we are not here for legal analysis but, rather, to bear witness to a reality concealed from those who live their lives ashore.

What the book gives us is a clear-eyed view of the consequences of a system of maritime trade, commerce and environmental protection that provides great thickets of law in which bad actors may hide. Indeed, as noted, Urbina sees a system of a lot of

law and little enforcement as enabling the ‘hidden costs’ that underpin the ‘fantasy’ of globalization: that we can have our \$2.50 tinned tuna and cheaply shipped goods with ecological laws observed and living wages paid (at 192). The gift of the book is in making these hidden human and ecological costs – which we may already abstractly understand – visible and very human. Law is certainly complicit in creating structures that facilitate exploitation and abuse, but Urbina also depicts activists engaged in cat-and-mouse conflicts with governments through the ‘art [of] finding legal loopholes ... [and] provoking public debate’ (at 126).

While the subject matter often makes for uneasy reading, this book provides a compelling and valuable account of the state of the oceans. It is worth the time of all interested scholars.

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Lorenzo Palestini. ***La Protection des Intérêts Juridiques de l'État Tiers dans le Procès de Délimitation Maritime***. Brussels: Bruylant, 2020. Pp. 520. €85.00. ISBN: 978-2-8027-6608-7.

The legal position of third states in maritime delimitation is a most complex and debated topic, raising numerous questions of international law. Such questions mainly concern the delimitation of the Exclusive Economic Zone (EEZ) and continental shelf because, within the 12-nautical-mile (nm) territorial sea, it is extremely unlikely that third states could claim any interest.<sup>1</sup> From the point of view of substantive law, questions include whether the existence of third states’ interests in disputed maritime areas should qualify as relevant circumstances in delimiting boundaries by judicial process, and what impact, if any, that relevant circumstance should have.<sup>2</sup> One could also query the position of states that are not parties to bilateral delimitation treaties, especially whether such treaties can or should have any effect on the rights that third

<sup>1</sup> A case in which a third state claimed rights in the maritime areas closest to the coast of two litigant states was *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua intervening)*, Merits, Judgment, 12 September 1992, ICJ Reports (1992) 351.

<sup>2</sup> ‘Relevant circumstances’ are a legal concept relating to the delimitation of the EEZ and continental shelf. In territorial sea delimitation, there is a largely corresponding, yet distinct, concept of ‘special circumstances’. See M. Lando, *Maritime Delimitation as a Judicial Process* (2019), at 4–5.