

Nottage explains the topical developments in international commercial and investment treaty arbitration in these jurisdictions from a comparative perspective. In addition, the author engages in detailed debates on empirical studies or observations of other authors. Various relevant legal, political, historical, or cultural factors are examined to provide a big picture of why and how the law and practice of arbitration in the two fields have changed over time.

Regarding the section on Japan's international commercial arbitration and having the advantage of speaking the local language, the author provides an in-depth account of Japan's law and practice, for which relevant sources are not easily accessible in English. The author finds that Japan faces structural barriers in the operations of the Japan Commercial Arbitration Association (JCAA) and regional competitors, such as arbitral institutions in Hong Kong and Singapore, despite attempting to adopt international best practices and promoting international rather than domestic arbitration.

Australia has also faced some difficulties promoting international commercial arbitration when incorporating the global norms – the United Nations Commission on International Trade Law (UNCITRAL) Model Law and the New York Convention regime – and reducing the formalization of arbitration to achieve more cost and time effectiveness. The conservative approach of law reformers and various Australian courts restricts its arbitration and related court proceedings to remain “quite formal and inefficient”.


The book's focus gradually shifts to investment treaty arbitration by comparing confidentiality and transparency issues in the two fields and then studying international investment agreements that Australia signed with other countries, including Japan. The author considers that the absence of investor-state dispute settlement provisions in the Japan-Australia Economic Partnership Agreement (JAEPA) reflects the flexibility and “localised globalism” in the case of Japan and the influence of domestic political considerations in the case of Australia. Finally, the author believes that the Covid-19 pandemic, with its impact on arbitration practices, raises the question of how to develop these two areas more globally and informally.

Conflicting interests. The author declares none.

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Marine Conservation and International Law: Legal Instruments for Biodiversity Beyond National Jurisdiction

by Sarah Louise LOTHIAN. Abingdon, Oxfordshire: Routledge, 2022. 320 pp. Hardcover: AUD\$273.00; eBook: AUD\$72.99. doi: 10.4324/b22996

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In 2015, the United Nations General Assembly decided, by a unanimous resolution, to develop an international legally binding instrument (ILBI) under the United Nations Convention on the Law of the Sea (UNCLOS) for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdictions. For this purpose, a

Preparatory Committee and an Ad Hoc Open-ended Informal Working Group were established to study the overlapping issues and to prepare a draft text for consideration in the future. With this background, this book is an important and timely contribution to the development of the law of the sea for the conservation and sustainable use of marine biological diversity. The book provides eight chapters and six appendices covering those aspects of biodiversity conservation outside the Boundary Beyond National Jurisdiction (BBNJ). The author's extraordinary effort, zeal, and vision present a balanced analysis of the issues relating to biodiversity and the marine environment and proposes future actions to regulate the BBNJ.

The book includes a prologue to marine conservation, especially within BBNJ under international law. It then discusses the promises and limits of the legal protection of the BBNJ, given a new proposal to develop an ILBI; the adoption of *Grotian* doctrine in law-making for the BBNJ; conceptual analysis on proposed ILBIs to deal with the BBNJ; an application of area-based management tools in marine protected areas beyond national jurisdiction; compliance with environmental impact assessments in the BBNJ; regulation of marine genetic resources; and implementation of capacity building and technology transfer. Finally, it concludes with valuable remarks and suggestions for the prospects of ILBIs for the conservation and sustainable use of the BBNJ. The prospect of adopting an ILBI has been outlined based on the political will of sovereign states balancing their competing interests in the protection, conservation, and sustainable use of the BBNJ.

The author, Sarah Lothian, a renowned lecturer and barrister from Australia, has thoroughly investigated the regulatory, governance, and institutional framework for the BBNJ under existing international law. The book is unique among contemporary academic contributions such as Alexander Gillespie's *Conservation, Biodiversity and International Law*. Because of its unique structure and scope, in-depth analysis, and authentic suggestions for better regulation and management of the marine environment as "Global Commons", this book will be a great help to the scholars, practitioners, and policymakers engaged in the law of the sea and the protection of the biodiversity of the marine environment.

Competing interests. The author declares none.

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Implementing the World Heritage Convention: Dimensions of Compliance

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Northampton, MA: Oxon: Edward Elgar Publishing, 2023. 300 pp.
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The 1972 UNESCO World Heritage Convention (the Convention) is "a regime at crossroads" (p. 231). Although it has been operational for fifty years, questions of effectiveness