

control the troublesome working classes.

In the penultimate chapter, Hostettler explains how the most senior British judges, particularly Lord Chancellor Cranworth and Chief Justice Cockburn, whilst seeming to support (in public) the introduction of a criminal code in England, in fact worked behind the scenes to sabotage the whole project. Hostettler takes the view that this judicial opposition to codification was largely mendacious and self-interested. But he overlooks the fact that the drafting of the proposed criminal codes of 1854 and 1878 was seriously defective, and that those jurisdictions which did adopt Stephen's 1878 code (with modifications), like Western Australia and Queensland, have not fared any better than those jurisdictions, like Victoria, New South Wales and England, which opted to stick with the common law.

One flaw in the book is that it lacks structure and organisation and in places it suffers from poor proof-reading. For example, part of a chapter headed "Provocation" drifts off into an irrelevant discussion of the felony-murder rule (pp 100-102), whilst another heading, "New Trials", contains a seemingly irrelevant excursus into the use of grand juries and the framing of indictments (pp 156-159). Another problem, possibly, is that the author appears to adopt an inconsistent approach in his attitude towards codification. Thus, whilst the nineteenth century judges are lambasted for their opposition to codification in chapter 12, the final chapter of the book reveals that Hostettler himself, far from being an ardent supporter of codification, is in fact a die-hard common lawyer. Nevertheless, these are small criticisms which do not take away from the overall quality of the book. It is high time that students, both in Australia and England, were re-introduced to the historical foundations of the criminal law. Hostettler's book would provide an excellent starting point for any student interested in undertaking a little historical research into this branch of the law.

GEORGE SYROTA

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Review of Jonathan L Charney & Lewis M Alexander (eds), *International Maritime Boundaries*, Dordrecht: Martinus Nijhoff, 1993. 2 vols; pp i-xlvi, 1-2138. HC \$1 240.

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This study consists of an introduction and three parts. The first part, entitled "Global Analysis", contains nine chapters on general considerations including Politics, the Legal Regime, Economics, Islands, Baselines and Technical Considerations.

The second part consists of "Regional Analyses" in ten chapters. The first two parts together cover approximately one sixth of the study. The third part, by far the largest, consists of the texts of the boundary agreements and decisions. Each text is

prefaced by a short analysis of from five to ten pages, based upon the headings in the Global Analysis. With each regional discussion and delimitation text there are maps displaying the boundaries.

The introduction provides an invaluable overview. Some interesting points may be selected. Despite the lengthy negotiation of the 1982 UN Convention on the Law of the Sea,<sup>1</sup> 130 agreements and 20 decisions, the rules for delimitation remain uncertain. The primacy of agreement is stressed both by the cases and by the number of boundaries settled in this manner. Equidistance has some role in most instances. However, numerous boundaries remain to be settled and these include some of the most difficult, including the Greece/Turkey boundary in the Aegean Sea which has recently once more brought fears of armed conflict. But the agreements do show that delimitation of marine boundaries offers only a limited range of options. The study should be particularly useful for those negotiating boundaries and seeking patterns for adoption. For example, the Torres Strait Treaty (p 929) is a complex precedent for solving a number of different delimitation problems in a single treaty.

The Global Analysis allows an average of 26 pages for each topic. These discussions are not intended to be comprehensive examinations of the topics. For example, Bowett has written a book of 337 pages on islands in international law<sup>2</sup> but his contribution to this study is confined to 22 pages. The Global Analysis is an overview of each topic as presented in the texts. This is well coordinated as reference is made directly to the various discussions of the texts (eg, Colson at p 53).

Noting some particular issues, one can point to the discussion of the important question of the effect of delimitations on third parties (Oxman at pp 17–19 and Colson's analysis at pp 61–63). Weil stresses that geography is dominant and that geography means coastal geography (pp 115–116) and also that the agreements do not show any definite patterns but mere trends (pp 121 & 127). Bowett points out that islands are generally given full effect and that the case of *Libya v Malta*<sup>3</sup> is a singularity (p 133).

There is some imbalance in the space given to topics. Thus, Baselines are covered in nine pages whereas Geophysical Factors are given 39 pages. Overall the Global Analysis reveals the well structured nature of the three-layered study, but it must be seen as an introduction to the subsequent discussions rather than a comprehensive review of the issues.

The Regional Analysis again reflects the carefully thought-out structure of the study. The American Society of International Law is to be particularly congratulated for inviting eight non-US authorities (out of the nine authors) to write this section. However, the Regional Analysis sits rather uneasily between the Global Analysis and the discussion of each boundary dealt with. Thus the discussion of the Central Pacific and East Asia boundaries has to cover a substantial number of individual boundaries, some of them of considerable complexity, in six pages.

The major part of the study is devoted to individual boundaries. Each one is presented through a five to ten page analysis (linked to the Global Analysis headings), the treaty or other text and a map. The analyses are generally of a high calibre. In many cases one would wish for a much more extensive discussion (eg, of the USA/Soviet Union boundary at pp 447–452), but this would have produced an even larger study than the current 2 000 pages. However, some analyses of interesting areas could have been extended (eg, the Argentina/Chile delimitation (p 719) could have been more

than six pages and the Ireland/UK boundary (p 1767) is only five pages).

Discussion under specific headings is sometimes rather brief (eg, islands in Colombia/Costa Rica at p 802). Dependence upon settled delimitations means that Africa (only seven settled boundaries) is given far less space than smaller regions.

Turning to general issues, the study deals with settled boundaries. Only rarely is there an examination of unsettled issues (eg, pp 280–282). In general, the undecided boundaries, such as the Aegean Sea and the South China Sea, are often of importance and could well have done with some analysis rather than passing reference (as with the Barents Sea at p 1781).

The general approach is to deal with each individual boundary separately (with a few exceptions such as France/UK at p 1734). This approach undoubtedly has its merits, such as allowing comparison of the application of the selected factors. However, there are many examples in which two or more delimitations are closely related and could have been dealt with together. For example, the 1990 treaty between Trinidad & Tobago and Venezuela (p 675) incorporates two previous agreements — yet the three are treated as distinct topics. The India/Indonesia agreement of 1977 (p 1371) is an extension of another treaty between the two countries dealt with separately, yet it is recognised that the important consideration was the earlier agreement and there were no new factors (p 1374). The treatment of related agreements separately limits the full appreciation of the relationship between them.

The study has the great merit of bringing together the existing delimitations and does so in a manner which allows a comparison of the influence of factors such as equidistance, economics and islands. It is interesting to review the sources of the texts of agreements, which shows how many are not to be found in the UN Treaty Series.

The maps at all levels, especially those of the individual delimitations, are excellent, particularly as the actual boundaries are shown together with equidistance lines. A comprehensive bibliography would have been useful.

In sum, this study is a basic need for any library or person dealing with international delimitations. It is carefully structured, clearly presented and the analyses are written by some of the leading experts on the law of the sea. It is unfortunate that the price in Australia of \$1 240 may deter some libraries and people from acquiring such a basic work on marine delimitations.

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1. UN Doc A/Conf 62/122.
  2. *The Legal Regime of Islands in International Law* (New York: Oceana Publications, 1979).
  3. *Continental Shelf (Libya v Malta)* (1985) ICJ 13.
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