

Trading Fish, Saving Fish: The Interaction between Regimes in International Law

Margaret Young

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Trading Fish, Saving Fish is an important and holistic analysis of the international legal framework regarding fisheries. Young embarks on a case-study based approach to the global fisheries regime to illustrate the problems of fragmentation of the international legal system. The author begins to fill the gap of previous, more singular, analyses of the large and complex regimes, which surround the competing norms of fisheries conservation versus fisheries consumption. While there is considerable scope for further research, this exceptional piece of work unequivocally gives practitioners a solid grounding and guidance into the issues facing the ever-growing and competing tools of governance used by the global fisheries regime.

The international legal regimes that govern fisheries are rife with conflicting norms and complex interaction between state, regional, and international stakeholders. The interplay between laws of the sea, international environmental law, and the trade of fisheries products through the World Trade Organisation (WTO) is one which has attracted much commentary, but few have overarching commentaries which include detailed case studies. Despite being a complex and arduous undertaking, it is vital that practitioners and stakeholders be made aware of all the sources of fragmentation within the entire spectrum of fisheries governance. This serves to ensure the conflicting but important norms of conservation and food security are not compromised due to inattention, argument or apathy. Young's text is near perfect at addressing this.

The enormous undertaking of a holistic overview is made manageable by the author splitting the analysis into three parts, the first part giving a clear overview of global laws of the sea and related institutions, environmental legal conventions, and trade mechanisms. While not lacking in detail, this part is largely introductory, making the text accessible to those other than legal practitioners, and would be a precious resource to stakeholders and students. It also gives context to Young's case studies. This includes analysis of the competing obligations and rights of state fishery mechanisms on the high seas. The important involvement of soft law mechanisms such as the United Nations Food and Agriculture Organisation Code of Conduct for Responsible Fisheries in the interplay of all these institutions is usefully addressed. Finally, the author outlines the WTO Agreements central to fisheries, including

contextual descriptions of the General Agreement on Tariffs and Trade, the Technical Barriers to Trade and the Sanitary and Phytosanitary Agreements. Importantly and usefully, Young provides the links in the weblike interdependencies that exist within the regimes.

The centrepiece of this text is the case studies found within the second part. Divided logically into the process of international law-making, the implementation of the laws and institutional agreements, and then adjudication, this part demonstrates the multiple problems that cause fragmentation in the ever-growing complexities of fisheries management. The first case study of the WTO subsidy process highlights problems of state and international institution cohesiveness and how mechanisms like international plans of action conflict with other norms within the system, most obviously sustainability in the face of high state subsidy of fleets. It is a stark example, yet not an issue only relevant to the WTO, a point the author makes repeatedly. This example, however, is a precious indication of how fragmentation affects the original source of the regime's power and goes on to cause conflict.

The second case study focuses on the implementation of efforts to prevent trafficking in marine endangered species under *Convention on International Trade in Endangered Species* (CITES), and examines how conflicts between states and institutions are sometimes wrongly interpreted and how this can affect outcomes for endangered species. The in-depth analysis of CITES and its norms is a case study which has currency beyond fisheries, and will be of great interest to those practitioners wanting to provide a cohesive link between science, policy and diplomacy. The third case study is the adjudication of the WTO *US-Shrimp* case, where the author offers an analysis of the dispute resolution process and the way in which the WTO uses regime interaction to resolve issues. The author suggests practical ways that international harmony can be achieved, such as multiple institutional representation in fisheries related dispute resolution. All of these solutions are based on sound, logical, and achievable conclusions from the *US-Shrimp* case.

The final part of the text is devoted to Young's analysis of how regime fragmentation can instead become cohesive regime interaction. The insights are clearly and logically conveyed, making the part a valuable piece of work for those who choose to develop the suggestions Young has eloquently made. The conclusions are soundly based on the facilitative case studies and are applicable not just to fisheries regimes, but to all resource based institutions. Her precise identification of where institutions and stakeholders create problems in overall cohesiveness and the introduction of suggestions of how to overcome this, is the text's greatest offering and one that will make this text one of the principle handbooks for those seeking to improve the current system.

Trading Fish, Saving Fish is a text of great currency in a world of increasingly fragile food security. The introductory descriptions of the fisheries regime will help many of those trying to navigate the maze of soft and hard laws surrounding both resource exploitation and protection. Young's three exhaustive case studies are valuable illustrations of the current problems facing the global fisheries regime. The author offers practitioners, stakeholders, commentators and students a wonderful insight into resource-based international law and provides much-needed suggestions as to how the interactions between peak fisheries bodies and members can be greatly improved. The structure of this book and the illustrative approach to the complexities of international law will be a precious resource to many.

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