



BOOK REVIEW OF ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW IN ASIA

(Seokwoo Lee, ed. 2021)

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ABSTRACT

The Encyclopedia of Public International Law in Asia copyrighted in 2021(3 regional volumes) is an invaluable work of numerous distinguished authors. This comprehensive collection drafted by eminent academic scholars, describes how Asian States deal and interact with public international law. The book organized in 16 State Volumes, reveals the examination of international law and its application in Northeast Asia, Southeast Asia, and Central and South Asia. This reference work has a distinctive feature, compared with others of the genre, in the way that it places a strong focus on the States as the main actors in law-making and law enforcement in international law. Numerous timely issues in international law are covered in each State Volume. Thus this encyclopedia offers a thorough consideration of the many dimensions of Asian States' approaches to international matters. Iran Volume is also included in the book which will be briefly analyzed in this book review. In this brief text, I will try to give a short overview of the book's main points and discuss some detailed opinions about it.

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As it is widely known, the regional and national legal approaches of States to international law can be a source of enrichment and consolidation of international law if these approaches are carried out for the benefit of developing an absolutely universal international law and not calling into question its foundations. In other words, regional and local approaches to international law constitute frameworks for reflection and liveliness of the norms of international law. Currently, despite a common thread of universality of international law, “Western Centism” remains a central aspect of it. The dearth of academic studies describing Asian and other non-Western State practices and views, and the disintegration of international legal studies, among other factors are critical reasons for the dominance of Western centism in international law. However, the relationship between International law and States, as its principal subject, is continually evolving. Actually, the unity of international law is developed from the unity of different approaches and States’ diverse interpretations of international law. The focus on regional approaches to international law and regional international law requires that adequate information on different legal systems be available, understood, interpreted and applied widely.

In light of the above introduction, the “Encyclopedia of Public International Law in Asia”, as the editor of the collection truly contends, “is motivated by this lack of scholarship on an important, yet underrepresented area of study in international legal studies¹”, and is bound to become the reference work on how Asian countries are applying and implementing international law. The central theme of the Encyclopedia is a detailed consideration of the many dimensions of Asian States’ approaches to international matters. This comprehensive and thought-provoking encyclopedia reviews and describes how Asian states deal and interact with public international law.

Organized into three volumes, the Encyclopedia is an outstanding work of eminent scholars who strived to cover elements of great interest to the readers and the wider audience. The authors are remarkably a diverse group of eminent scholars in their respective fields. Each author, given the necessary limitations of space, has endeavored to offer a fair amount of research on their country’s approach to international law.

1. Seokwoo Lee(Ed.). Encyclopedia of Public International Law in Asia, 3 vols, Leiden, Boston: Brill, 2021, Introduction.

The content of the collection is organized in 16 State Volumes (chapters) and is printed in three volumes, which are categorized in terms of geographical regions encompassing the major sub-regions of the continent (i.e. Northeast Asia, Southeast Asia, and South and Central Asia). This is a weighty selection because, these countries, as the editor maintains, “unlike the great variety of cultures and the existing different interests, enjoy numerous mutual cultural and religious contacts and interconnections” that give rise to a “strong albeit rather undefined feeling of familiarity, mutual understanding, and even coherence and solidarity”¹. It would have been ideal to include other Asian States such as Southwest Asian countries, too.

The Book starts with an introduction and a State Volume contents overview by the editor, in which the authors of each part lay out a richly detailed description of the state in international law, institutional relations and particular international law subjects. Particular international law subjects mainly include International Economic Law, International Environmental Law, Law of the Sea, Air Law & Law of Outer Space, Human Rights, International Humanitarian Law, International Criminal Law, and Use or Threat of Force. Within each State Volume the contents integrate into a country snapshot that provide basic information of each state including the Date of Independence, Date of Admission to the United Nations, Geographical Size, Population, Demographic Information, Form of Governance and System of Law. Each state volume also includes a State Report Overview that is an executive summary of the country’s current international law issues and approach to international law and highlights the prevailing State practice of each country.

The Encyclopedia thereby places a strong focus on the States as the main actors in law-making and law enforcement in international law arena. This immediately distinguishes the Encyclopedia from previous works on the topic which have mostly focused on different subjects within international law. In this sense, the book has a distinctive feature, compared with similar works such as the Max Planck Encyclopedia of Public International Law².

Overall, the Encyclopedia comprises sixteen Asian States: China, Japan, Korea, Mongolia, Taiwan, Indonesia, Malaysia, Philippines, Singapore, Thailand, Viet Nam, Bangladesh, Central Asia, India, Iran and Sri Lanka. Each State Volume includes an introductory review on a specific country’s legal system, covering a set formula encompassing the State in International Law, Institutional Relations and particular International Law Subjects. It is unfortunate that some reviews on specific states’ legal systems are mostly brief - many of them three to four pages - and not legitimately comprehensive references. On the whole, the array of topics included is broad, but the need for a discussion of some particular new subjects of international law remains essential.

Iran Volume editor is the eminent Iranian Professor Jamal Seifi. Twenty more authors have contributed to the work, all of them outstanding Iranian professors and scholars. Under the State Report Overview, the executive summary of Iran’s encounter with international law in the 20th century is provided by Iran Volume editor. This part highlights Iran’s current preoccupations with international law. Most important issues covered in this part are Iran’s nuclear program, the 2015 nuclear deal (JCPOA) and The Caspian Sea Convention.

1. Supra note 2.

2. Rudiger Wolfrum (Ed.). The Max Planck Encyclopedia of Public International Law, 10 vols, Oxford, New York: Oxford University Press, 2012.



Iran's history with regard to her approach to international law is divided into two epochs, the pre-Revolution era (1800-1979) and the post-Revolution era (1979-present). After the revolution era, Islamic Fiqh or the Sharia constituted an important part of the domestic legal system and state governance. Islamic Fiqh and the contemporary public international law offer different expressions of world order. Yet, it does not imply that Muslim States are willing to shift or even offer an alternative legal framework to that of post-Westphalian order. The most doctrinal human rights maxim, the principle of "non-discrimination" is the reason why human rights treaties are of utmost importance for the Islamic Republic of Iran. A brief history of Iran's position on international law and its participation at intergovernmental conferences is covered in the period 1800-1979.

In other subcategories, the insightful conceptual discussions of law of treaties, international and regional organizations and settlement of disputes are discussed by the contributors. The jurisprudence of the Iran-United States Claims Tribunal, Iran's international arbitration laws and practices and its past and present International Court of Justice cases are the most important subjects covered in the chapter on settlement of disputes in Iran Volume.

Finally, the content of Particular International Law Subjects of Iran Volume is devoted to some more subcategories of Asylum and Migration, Nuclear Energy and International Law and Cultural Heritage. Still, there are more subjects to be covered under this category. Given the amount of materials involved and considered, however, a selective approach in this regard is fully understandable. This book would become, an essential reference work for field practitioners as well as individuals who are interested in learning about international law in Asia.

All in all, the Encyclopedia represents a timely and comprehensive contribution to Asian States' stands and practices on international law. Strongly argued and well-structured contents make the Encyclopedia beneficial for two groups. First, it is a valuable reference book of public international law for scholars and students in different Asian countries. The book would be helpful to academics from a variety of disciplines, such as political studies and international relations. Second, because of its reflective context, the volume makes a helpful contribution to practitioners and policy-makers within the states in adopting a unified approach to international law. It would also be an appropriate addition to all libraries with a public international law collection.