

## **Contact with Extraterrestrial Intelligence and Human Law: The Applicability of Rules of War and Human Rights**

**by Michael BOHLANDER. Studies in International Criminal Law Series Leiden/Boston: Brill Nijhoff, 2023. xviii + 240 pp. Hardcover: €127.00; eBook (PDF): €127.00. doi: 10.1163/9789004677708**

CHEAH W.L.

Faculty of Law, National University of Singapore, Singapore

Professor Michael Bohlander's fascinating book explores the legal implications of humanity's contact with extraterrestrial intelligence (ETI). It is particularly timely given recent sightings of Unidentified Anomalous Phenomena (UAP) and NASA's official, if inconclusive, September 2023 report on UAP. Chapters 2 and 3 are excellent overviews of the key ideas in the scientific and social science community involved in the search for extraterrestrial intelligence (SETI). The book's subsequent chapters, which this review focuses on, discuss three key issues: the unpredictability of first contact, the inadequacies of humanity's laws in addressing hostile contact, and the need for humanity to develop a common position to facilitate interactions with ETI in a non-hostile scenario.

Bohlander draws on science fiction to explore the different scenarios of humanity's first contact with ETI. The reader is treated to a masterly tour of science fiction which demonstrates the unforeseeable nature of such first contact. Bohlander adds his voice to those who argue against assuming that such first contact will be accompanied by benign or altruistic motives on the part of alien species. He casts doubt on the messaging to the extra-terrestrial intelligence (METI) community's practice of actively seeking to contact ETI and argues that more efforts should be put into establishing "precautionary rules of human-to-ETI" behaviour (p. 106).

The book then cautions that humanity's laws, as presently designed, are inadequate responses to hostile first contact. Focusing on the laws of armed conflict and international criminal law, Bohlander argues that we cannot assume that humanity's laws can apply to alien species with substantially different biological, social, and cultural backgrounds. An example of such non-fit, discussed in the book, is the international criminal law's focus on individual criminal responsibility. How will it treat an alien "hive group" or an alien entity with different "organs" (p. 117)? Another example would be genocide's inapplicability to a hostile first contact. Genocide protects national, ethnic, racial, and religious groups, but which of these applies in an inter-species conflict? Bohlander suggests that while one may see race as having the closest applicability, as when referring to "the human race" and "the alien race", this is not covered under international criminal law's current definition of race.

This book also discusses the possibility of non-hostile contact between humanity and ETI. Bohlander argues for humanity to develop a "global human position" that will facilitate its bilateral and multilateral negotiations with ETI (p. 163). For humanity to develop such a common position may seem impossible given the persistence of conflicts between states and groups. Bohlander puts forward "one facet of human normativity" that could play a significant role in humanity's bilateral or multilateral interactions with ETI, namely human rights law. He identifies rights in the International Covenant on Civil and Political Rights that could form a basis, or establish a set of non-negotiables, for humanity when negotiating with ETI. Nevertheless, Bohlander also recognizes that his proposal relies on

whether the ETI concerned recognizes the “concept” of rights as predominantly understood by humanity (p. 175). This important book will hopefully catalyse interest and discussions in the international law community about humanity and ETI.

**Competing interests.** The author declares none.

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## **Transnational Commercial Disputes in an Age of Anti-Globalism and Pandemic**

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Anupam JHA

Faculty of Law, University of Delhi, Delhi, India

The pandemic commencing in late 2019 posed a great challenge to the globalizing world and transnational commercial disputes. In this book, subject experts from the Asia-Pacific region have enriched the discussions and innovatively treated the subject. The introduction is by the Chief Justice of Singapore, Sundaresh Menon, who perceives that globalization is “on the rocks” but argues for the need for better adaptation to the new challenges in order to maintain the legitimacy of both old and new institutions.

Part I, “What is an International Commercial Dispute?”, by Pak Hei Li, a Hong Kong barrister, James Allsop, Chief Justice of the Federal Court of Australia, and Samuel Walpole, an Australian barrister, is a brief overview of international commercial disputes resolution mechanisms. Part II, “The Swinging Pendulum: International Commercial Arbitration and the Rise of Specialist Commercial Courts”, by Jianping Shi from the Shanghai University of Political Science and Law and Bernard Eder from the Singapore International Commercial Court, examines the rise of specialist commercial courts in different jurisdictions. Part III, “David and Goliath: Investor-State Dispute Settlement”, by Jianjian Ye, a New York lawyer, and Anselmo Reyes from the Singapore International Commercial Court, investigate the challenges for the investor-state dispute settlement system and the way forward. Part IV, “The Perfect as the Enemy of the Good – The Importance of Finality and Certainty”, by Wilson Lui from the University of Hong Kong; Nallini Pathmanathan, Justice of the Federal Court of Malaysia; and Joanne Tan Xin Yin, Senior Assistant Registrar of the same Court, argue for the need of finality and certainty in the field of international commercial dispute resolution mechanisms in the light of the Hague Conventions of 2005 and 2019. Part V, “The Lex Mercatoria and the Convergence of International Commercial Law”, by Jason Lin, a London trainee solicitor, and Tiong Min Yeo from the Singapore Management University, examine the concept of *lex mercatoria* and how it can be developed further. Finally, Part VI, “The Impact of Covid-19”, by Cedric Yeung, a Hong Kong barrister, Douglas Jones from the Singapore International Commercial Court, and Jonathan Mance from the Astana