

BOOK REVIEW

China's Law of the Sea: The New Rules of Maritime Order

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“China’s Law of the Sea: The New Rules of Maritime Order” by Isaac B. Kardon provides a comprehensive analysis of China’s maritime claims and activities in East Asian waters, particularly the South China Sea, the East China Sea, and the Yellow Sea. Kardon, a distinguished maritime scholar from the United States, is currently a senior fellow for China Studies at the Carnegie Endowment for International Peace and has previously served as an Assistant Professor at the US Naval War College.

The central theme of the book explores whether China is fundamentally challenging the existing maritime order or merely altering specific rules. The book, divided into six chapters, examines China’s domestic laws and policies related to defense, research, management, surveying, and patrolling in its adjacent seas, particularly in disputed waters. It covers topics such as geographic regulations, resource rules, navigation requirements, and dispute-resolution mechanisms. The author places special emphasis on the reactions of states particularly affected by these practices, arguing that their responses are necessary to assess the potential normative effects of China’s preferred rules.

In addition, Kardon analyses China's practical attempts to influence the international framework of maritime rules, particularly the United Nations Convention on the Law of the Sea (UNCLOS). However, rather than utilizing a structural approach, he adopts a bottom-up methodology to examine whether and how China is driving the evolution of new maritime rules and its consequential impacts on both regional and international order.

Contextualizing China's "revisionist ambitions," the author believes its rise as a great power and its drive to reshape the maritime order and, by extension, the liberal international order. Moreover, he provides a comprehensive and authoritative analysis of China's dissatisfaction with geographic, resource, navigational, and dispute-resolution rules established by UNCLOS. By portraying China as a revisionist and authoritarian power in East Asian waters, Kardon's argument aligns with the prevailing Western view of China's maritime ambitions. In reality, China is not challenging the international order but is instead seeking to participate in and reshape it to better reflect its own interests and those of other developing nations. China's involvement in international organizations like the United Nations and its commitment to global trade through initiatives such as the Belt and Road Initiative (BRI) demonstrate its willingness to engage with existing frameworks. These efforts aim to enhance connectivity, infrastructure development, and economic cooperation, thereby promoting mutual growth and stability. Additionally, China adheres to various international agreements and treaties, including the UNCLOS. By advocating for a more multipolar world, China is not rejecting the liberal order but is advocating for a more inclusive and equitable system that accommodates diverse perspectives and development goals.

Additionally, in the later chapters of the book, the author introduces UNCLOS as the “constitution for the oceans” and explores China’s disputes with its provisions. He highlights China’s reliance on customary international law to assert full entitlements over geographic features not otherwise guaranteed by UNCLOS. He elucidates China’s Maritime Power Program, which is transforming China into the world’s leading maritime power through domestic mobilization.

Kardon also examines Chinese practices regarding maritime resource rights ascribed under UNCLOS, highlighting the exponential increase in interstate competition for fish, sea minerals, and hydrocarbon resources in the 21st century. He is of the view that this has led to greater encroachment on resource rights. In this context, China continues to assert its historic rights, which not only grant it sovereignty over the nine-dash line but also traditional fishing rights and historic navigational rights. The author presents the positions of states such as Vietnam, the Philippines, Malaysia, and Japan. While some have successfully negotiated law enforcement arrangements with China, none have secured a Joint Development Agreement for hydrocarbon exploration, which China perceives as a threat to its energy security.

Furthermore, the book illustrates China’s use of UNCLOS as a tool to protect and expand its national interests. However, the realities on the ground reveal a contrasting scenario. China is not alone in using UNCLOS to further its national interests; this approach is also seen in Western maritime behaviour, particularly that of the US, which has not ratified UNCLOS. Therefore, framing China’s discontent with the UNCLOS as the weaponization of international law by the Chinese Communist Party aligns with

the Western agenda of undermining the growing influence of China in the region. Moreover, according to the author, China's troubled history of Western invasions through sea has motivated it to uphold the claims of the nine-dash line and rectify the imbalance by becoming a powerful maritime actor. It is important to note that China's maritime ambitions are driven not only by historical claims but also by geopolitical and geoeconomic objectives, national security concerns, and energy security needs.

The focus of the book is primarily regional, contending that the exploitation of UNCLOS by China and the formulation of rules adhering to its national interests do not directly impact the international order. The author believes that China's promotion of the principle of "sovereign supremacy" is confined to East Asia and thus lacks universal character. This contradicts his argument in the introductory chapter, which states that the maritime order has undergone huge transformations to become a part of the broader international order. Consequently, even if China's current maritime rules and practices are regional, they still have an indirect impact on the international order.

Despite its value, the book exhibits limitations. It lacks a comprehensive analysis of the perceptions and responses of key global actors, particularly the US and the United Nations (UN), towards Chinese maritime practices. As the predominant global hegemon, the US plays an important role in shaping international maritime norms and enforcing and adjusting them through its naval presence and alliances. Given the strategic competition between the two powers, understanding the US perspective is essential for comprehending the dynamics of maritime security and diplomacy in the region. The book also fails to explore how the regional states' perceptions of Chinese activities in East Asian waters are influenced by their relations with the US.

Lastly, the author's argument in this book is based on a one-sided perspective, specifically a Western perspective, which renders it biased. China's interests in this region are rooted in shared interests and shared goals, promoting connectivity, infrastructure development, and regional cooperation. Therefore, the author's assertion that China harbors revisionist ambitions is unfounded. Instead, China's actions should be viewed in the context of its efforts to foster mutual growth and stability in the region. This book would have been a more valuable addition if it had incorporated perspectives from both sides and provided an accurate assessment of the facts, rather than solely promoting a Western narrative against China. By including diverse viewpoints, the analysis would offer a more balanced and nuanced understanding of China's maritime ambitions and actions. This approach would contribute to a more comprehensive and objective evaluation, facilitating a better-informed discussion on the complex dynamics of maritime security and international relations in the region.

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