

Book Review

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BOOK REVIEW

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

Author: Isaac B. Kardon

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“China’s Law of the Sea: The New Rules of Maritime Order” by Isaac B. Kardon is a comprehensive examination of China’s maritime claims and activities in the East Asian waters, specifically the South China Sea, the East China Sea and the Yellow Sea. Isaac Kardon is a prominent maritime scholar from the United States currently serving as 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 book is a natural representation of the author’s expertise in the maritime domain and respective Chinese strategies and influence. In his book, Kardon provides an insightful analysis of China’s practical attempts to influence the international body of maritime rules i.e., the United Nations Convention on the Law of the Sea (UNCLOS). In contrast to the structural approach, Kardon uses a bottom-up approach to

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investigate if, and how, China is leading the emergence of new maritime rules and what is its wider impact on the regional and international order. The book contextualises that China has revisionist goals and objectives and its great power trajectory compels it to reshape the maritime order, in particular, and the liberal international order, in general. The author presents an authoritative account of Chinese discontent with respect to geographic rules, resource rules, navigational rules and dispute resolution rules of the UNCLOS. Portraying China as a revisionist and authoritarian power in the East Asian waters largely highlights author's inclination towards the Western perception of China.

The book introduces UNCLOS as the “constitution for the oceans” and explores China's disagreements with the UNCLOS. The author highlights Chinese emphasis on “customary international law” to claim full entitlements of geographic features which are otherwise not guaranteed by the UNCLOS. The author elucidates on China's Maritime Power Program which is turning China into the biggest maritime power through domestic mobilisation. Kardon then moves on to the examination of Chinese practices in maritime resource rights ascribed under the UNCLOS. He highlights how the inter-state competition for fish, sea minerals and hydrocarbon resources has exponentially increased in the 21st century, leading to greater encroachment of resource rights. In this domain too, China continues to uphold its historic rights which not only award China sovereignty over the nine-dash line but also traditional fishing rights and historic navigational rights. The author presents the position of specially affected states such as Vietnam, Philippines, Malaysia, Japan, etc. on each matter. While some have successfully concluded law enforcement arrangements with China, none has been able to secure a Joint Development Agreement in the area of hydrocarbon exploration which China believes threatens its energy security.

Interestingly, the book portrays China's use of the UNCLOS as a weapon to protect and expand its national interests. However, the ground realities present a contrasting picture. It is not only China using the UNCLOS as a tool to further its national interests but the practice largely resonates with the Western maritime behaviour, especially the US which has not ratified the UNCLOS. Therefore, terming China's discontent with the UNCLOS as weaponsiation of the international law by the Chinese Communist Party largely accords to Western agenda of undermining Chinese growing influence in the region. Similarly, the author argues that China's troubled history of Western invasions through sea has motivated China to uphold the claims of the nine-dash line and correct the imbalance through becoming a powerful maritime actor. It is pertinent to note here that China's maritime behaviour does not only derive from its historic geographical claims but also from its geopolitical and geoeconomic ambitions in the 21st century.

Moreover, the focus of the book is characteristically regional as it argues that China's exploitation of the UNCLOS and formulation of rules which adhere 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 restricted to East Asia and thus lacks universal character. This contradicts the author's argument in the introductory chapter that the maritime order has undergone a huge transformations to become a part of the wider international order. Therefore, even if China's current maritime rules and practices are regional in character; they definitely have an indirect impact on the international order. The author does not provide a detailed picture of China's current great power ambitions and how it seeks to reshape the maritime order crafted by the Western states and institutions. Given the great power trajectory of China and its goals of becoming the biggest maritime power, it is not long before China will be shaping the maritime order

in the global seas, and not just the East Asian waters. In this aspect, the book lacks a futuristic viewpoint.

Furthermore, the book lacks a broader focus on the perceptions and responses of key global actors, namely the United States and the United Nations, towards Chinese maritime practices. The US, as the preeminent global hegemon, plays a central role in shaping international maritime norms and enforcing them through its naval presence and alliances. Given the strategic competition between the two powers, understanding the US perspective is critical for comprehending the dynamics of maritime security and diplomacy in the region. The book does not explore how the perceptions of the regional states towards Chinese activities in the East Asian waters are also largely influenced by their relations with the US.

Similarly, the United Nations, as the primary international organization responsible for promoting peace and cooperation among nations, also warrants greater attention in the book. While the UNCLOS serves as the foundational legal framework governing maritime affairs, the book could have provided insights into how the United Nations perceives and responds to China's adherence to or deviation from the UNCLOS principles. The book "China's Law of the Sea: The New Rules of Maritime Order" explores China's strategic thinking, legal arguments, domestic drivers and political aspects of China's maritime policies. Kardon has skilfully navigated the intricacies of the UNCLOS and provided a well-rounded understanding of Chinese maritime influence and its implications for the international order. However, the book falls short of providing a universal view and offering concrete policy recommendations for addressing the challenges posed by Chinese influence in the South China Sea, the East China Sea and the Yellow Sea. While Kardon's analysis predominantly reflects a Western perspective, it nevertheless highlights the intricate dynamics of

maritime disputes and power struggles in the region. Therefore, the book is a valuable contribution to the field of maritime studies and its accessible writing style makes it an interesting read for anyone seeking to explore Chinese struggle towards reshaping the maritime order.