

**Kardon, Isaac B. *China's Law of the Sea*****Yale University Press, 2023**

269 pp., illustrations, maps, notes, bibliography, index

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US\$40.00

Isaac Kardon is now a civilian employee of the US Navy, but spent a decade in China observing and participating in China's academic and policy discourse on maritime disputes while studying for his PhD. This book gives his personal opinions and not those of his employer.

The book delves into China's view of United Nations Law of the Sea Convention (UNCLOS) and customary international law, China's view on the rules for sovereignty and sovereign rights offshore, and offshore resource, navigation, and dispute resolution. China hopes that nearby states, and those farther afield, will accept its view on the application of UNCLOS and its desired modifications to customary international law.

Because China was not permitted to attend the 1958 and 1960 conferences on the law of the sea, China views the Geneva Conventions as illegal and can be disregarded. When China ratified the UNCLOS in 1996, it did so with the following provisions: China reserved the right to delimit an Exclusive Economic Zone (EEZ) of 200 nautical miles (nm) as described in the convention; China denied the compulsory jurisdiction of disputed resolution bodies, electing to solve inevitable delimitation problems through consultations; China claimed sovereignty over many islands and "archipelagos" under dispute; and China reaffirmed its opposition to the "innocent passage" regime established by the convention.

China views UNCLOS as just a "snapshot" in the development of customary international law. China accepts the view that the only way to change international law is to break it. That is what China is proceeding to do. It recognizes that UNCLOS was written to be purposely vague and open to alternate opinions.

China "plays loose and free" with UNCLOS's rules governing the extent of sovereignty and sovereign rights. Firstly, it claims sovereignty over shoals (totally submerged features). China also uses low tide elevations (LTEs) inappropriately (in the eyes of most "western" experts). China's practice does not exclude LTEs from sovereign appropriation or from generating entitlements. China has a double standard when it objects to Japan claiming EEZ and continental shelf entitlements to Okinotori Island (20°25'N, 136° 05'E). China claims that Japan has no such entitlements, but China does for its small islands and reefs. China claims that its continental shelf extends beyond 200 nm on

the basis of natural prolongation supersedes Japan's claim to a distance-based 200 nm limit. This is because the Okinawa Trough is significantly closer to the Japanese archipelago than it is to the Chinese mainland and the trough is a natural break in the continuity of the continental shelf.

This is only one dispute. The "nine-dashed line" originated in 1947 as 11 dashes on a map produced for internal use by the Republic of China and first published in a commercial atlas in 1948. In 1993, China first promoted the nine-dash line claim in a diplomatic note to Indonesia and it was officially published in China's 7 May 2009 *note verbale*, to which Indonesia issued a clear response saying that it lacks international legal basis. It has never been officially claimed nor renounced as China's provisional maritime boundary. The littoral states of the South China Sea have with near unanimity rejected the possibility that the nine-dash line may serve as even a provisional maritime boundary.

Since 1990, China has the world's largest fishing fleet and has become the world's largest fish producer. Needless to say, it has overfished its own waters. To regulate the fisheries, China has a marine law enforcement fleet, backed up by the coast guard and with the navy just over the horizon. They make sure that fishers from other states do not get to fish easily, even when accompanied by their nation's naval ships.

In terms of petroleum resources, China has denied other states' rights to exploit those resources within their entitlement under UNCLOS. Since the 1970s, China has a long-standing policy line on maritime disputes, namely: "Sovereignty is ours, shelve the disputes, and pursue joint development." Yet in more than 40 years, China has not achieved any actual joint development agreements.

China claims that the rules of navigation are among the oldest customary international laws, therefore it considers the UNCLOS rules on innocent passage invalid. China is concerned about the deployment of foreign warships and marine research ships and requires them to get prior authorization for innocent passage, but there is no agency identified as the authorizing body and it is extremely unlikely to be granted anyway. In 1964, China closed the Qiongzhou Strait between Hainan and the mainland, thereby forbidding foreign military vessels passage, which violates UNCLOS. But when a Chinese vessel did intelligence-gathering in part of the (Japanese) Tokara Strait, China rebutted Japan's objection by arguing it had the right of "transit passage." In fact, it was outside of designated corridor. From 2014, the Chinese navy has had air and naval operations in the undisputed EEZs of many countries.

China's thoughts on dispute settlement run like this: for its maritime

claims, it assumes that Taiwan is already part of the Peoples' Republic of China. It claims that it has indisputable sovereignty over the islands, rocks and shoals and adjacent waters in the East China Sea and South China Sea. China refuses to be involved in third-party decision-making processes, saying that it is willing to negotiate. In negotiation, it is not willing to give up anything but is willing to discuss the *management* of what is in dispute.

I bought the book to learn about China's view on the law of the sea, and I believe this book gives a well-balanced assessment. It has been thoroughly researched – note the size of the endnotes (66 pages) and bibliography (55 pages). As a minimum, it would be a good primer for any diplomat dealing with China, any maritime entitlement law enthusiast, or for anyone worried about the expansionist thoughts of China.

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**Knight, Robin, ed. *Salt Horse: Memoir of a Maverick Admiral, Claude Lionel Cumberlege***

**Whittles Publishing, 2024; distributed by Simon & Schuster**

xii + 174 pp., illustrations, notes, index

ISBN 9781849955720 (softcover) £18.99, US\$24.95

Editor Robin Knight sheds light on the life and actions of Claude Lionel Cumberlege in *Salt Horse: Memoir of a Maverick Admiral*. In addition to exploring Cumberlege's career, the work explores the early evolution of the Royal Australian Navy and its role in the First World War. Edited from Cumberlege's original papers, works and recollections, what emerges is a colourful account of a naval officer's career and his influence on the events he took part in.

Knight opens his work with a timeline and family tree to assist in placing Cumberlege's family and the various historical events he discusses in a larger context. What then follows is a series of chapters examining discrete segments of the admiral's life and career. Knight's writing and editing style results in a work that reads more like a series of anecdotes being related to the reader than a more conventional history of the period covered. Starting with Cumberlege's childhood, readers are moved through his time at Dartmouth, then onto the various commands and assignments he had during his time with the Royal Navy, culminating with his promotion to admiral and subsequent retirement.

For students of naval history familiar with the events of the First World War, Knight's work sheds light on a less-explored theatre of the conflict.